



Rep. Steven A. Andersson

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10000SB1328ham005

LRB100 08307 HEP 43564 a

1 AMENDMENT TO SENATE BILL 1328

2 AMENDMENT NO. _____. Amend Senate Bill 1328 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 15-113 as follows:

6 (625 ILCS 5/15-113) (from Ch. 95 1/2, par. 15-113)

7 (Text of Section before amendment by P.A. 100-987)

8 Sec. 15-113. Violations; Penalties.

9 (a) Whenever any vehicle is operated in violation of the
10 provisions of Section 15-111 or subsection (d) of Section
11 3-401, the owner or driver of such vehicle shall be deemed
12 guilty of such violation and either the owner or the driver of
13 such vehicle may be prosecuted for such violation. Any person
14 charged with a violation of any of these provisions who pleads
15 not guilty shall be present in court for the trial on the
16 charge. Any person, firm or corporation convicted of any

1 violation of Section 15-111 including, but not limited to, a
2 maximum axle or gross limit specified on a regulatory sign
3 posted in accordance with paragraph (e) or (f) of Section
4 15-111, shall be fined according to the following schedule:

5 Up to and including 2000 pounds overweight, the fine is \$100

6 From 2001 through 2500 pounds overweight, the fine is \$270

7 From 2501 through 3000 pounds overweight, the fine is \$330

8 From 3001 through 3500 pounds overweight, the fine is \$520

9 From 3501 through 4000 pounds overweight, the fine is \$600

10 From 4001 through 4500 pounds overweight, the fine is \$850

11 From 4501 through 5000 pounds overweight, the fine is \$950

12 From 5001 or more pounds overweight, the fine shall be computed
13 by assessing \$1500 for the first 5000 pounds overweight and
14 \$150 for each additional increment of 500 pounds overweight or
15 fraction thereof.

16 In addition any person, firm or corporation convicted of 4
17 or more violations of Section 15-111 within any 12 month period

1 shall be fined an additional amount of \$5,000 for the fourth
2 and each subsequent conviction within the 12 month period.
3 Provided, however, that with regard to a firm or corporation, a
4 fourth or subsequent conviction shall mean a fourth or
5 subsequent conviction attributable to any one employee-driver.

6 (b) Whenever any vehicle is operated in violation of the
7 provisions of Sections 15-102, 15-103 or 15-107, the owner or
8 driver of such vehicle shall be deemed guilty of such violation
9 and either may be prosecuted for such violation. Any person,
10 firm or corporation convicted of any violation of Sections
11 15-102, 15-103 or 15-107 shall be fined for the first or second
12 conviction an amount equal to not less than \$50 nor more than
13 \$500, and for the third and subsequent convictions by the same
14 person, firm or corporation within a period of one year after
15 the date of the first offense, not less than \$500 nor more than
16 \$1,000.

17 (c) All proceeds of the additional fines imposed by this
18 amendatory Act of the 96th General Assembly shall be deposited
19 into the Capital Projects Fund.

20 (Source: P.A. 96-34, eff. 1-1-10; 96-1000, eff. 7-2-10; 97-201,
21 eff. 1-1-12.)

22 (Text of Section after amendment by P.A. 100-987)

23 Sec. 15-113. Violations; Penalties.

24 (a) Whenever any vehicle is operated in violation of the
25 provisions of Section 15-111 or subsection (d) of Section

1 3-401, the owner or driver of such vehicle shall be deemed
2 guilty of such violation and either the owner or the driver of
3 such vehicle may be prosecuted for such violation. Any person
4 charged with a violation of any of these provisions who pleads
5 not guilty shall be present in court for the trial on the
6 charge. Any person, firm, or corporation convicted of any
7 violation of Section 15-111 including, but not limited to, a
8 maximum axle or gross limit specified on a regulatory sign
9 posted in accordance with paragraph (e) or (f) of Section
10 15-111, shall be fined according to the following schedule:

11 Up to and including 2000 pounds overweight, the fine is \$100

12 From 2001 through 2500 pounds overweight, the fine is \$270

13 From 2501 through 3000 pounds overweight, the fine is \$330

14 From 3001 through 3500 pounds overweight, the fine is \$520

15 From 3501 through 4000 pounds overweight, the fine is \$600

16 From 4001 through 4500 pounds overweight, the fine is \$850

17 From 4501 through 5000 pounds overweight, the fine is \$950

18 From 5001 or more pounds overweight, the fine shall be computed

1 by assessing \$1500 for the first 5000 pounds overweight and
2 \$150 for each additional increment of 500 pounds overweight or
3 fraction thereof.

4 In addition, any person, firm, or corporation convicted of
5 4 or more violations of Section 15-111 within any 12 month
6 period shall be fined an additional amount of \$5,000 for the
7 fourth and each subsequent conviction within the 12 month
8 period. Provided, however, that with regard to a firm or
9 corporation, a fourth or subsequent conviction shall mean a
10 fourth or subsequent conviction attributable to any one
11 employee-driver.

12 (b) Whenever any vehicle is operated in violation of the
13 provisions of Sections 15-102, 15-103 or 15-107, the owner or
14 driver of such vehicle shall be deemed guilty of such violation
15 and either may be prosecuted for such violation. Any person,
16 firm, or corporation convicted of any violation of Sections
17 15-102, 15-103 or 15-107 shall be fined for the first or second
18 conviction an amount equal to not less than \$50 nor more than
19 \$500, and for the third and subsequent convictions by the same
20 person, firm, or corporation within a period of one year after
21 the date of the first offense, not less than \$500 nor more than
22 \$1,000.

23 (c) All proceeds equal to 50% of the fines recovered
24 ~~imposed~~ under subsection (a) of this Section shall be remitted
25 to the State Treasurer and deposited into the Capital Projects

1 Fund.

2 (Source: P.A. 100-987, eff. 7-1-19.)

3 Section 10. The Clerks of Courts Act is amended by changing
4 Section 27.1b and by adding Section 27.1c as follows:

5 (705 ILCS 105/27.1b)

6 (This Section may contain text from a Public Act with a
7 delayed effective date)

8 (Section scheduled to be repealed on December 31, 2019)

9 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
10 other provision of law, all fees charged by the clerks of the
11 circuit court for the services described in this Section shall
12 be established, collected, and disbursed in accordance with
13 this Section. Except as otherwise specified in this Section,
14 all fees under this Section shall be paid in advance and
15 disbursed by each clerk on a monthly basis. In a county with a
16 population of over 3,000,000, units of local government and
17 school districts shall not be required to pay fees under this
18 Section in advance and the clerk shall instead send an itemized
19 bill to the unit of local government or school district, within
20 30 days of the fee being incurred, and the unit of local
21 government or school district shall be allowed at least 30 days
22 from the date of the itemized bill to pay; these payments shall
23 be disbursed by each clerk on a monthly basis. Unless otherwise
24 specified in this Section, the amount of a fee shall be

1 determined by ordinance or resolution of the county board and
2 remitted to the county treasurer to be used for purposes
3 related to the operation of the court system in the county. In
4 a county with population of over 3,000,000, any amount retained
5 by the clerk of the circuit court or remitted to the county
6 treasurer shall be subject to appropriation by the county
7 board.

8 (a) Civil cases. The fee for filing a complaint, petition,
9 or other pleading initiating a civil action shall be as set
10 forth in the applicable schedule under this subsection in
11 accordance with case categories established by the Supreme
12 Court in schedules.

13 (1) SCHEDULE 1: not to exceed a total of \$366 in a
14 county with a population of 3,000,000 or more and not to
15 exceed \$316 in any other county, except as applied to units
16 of local government and school districts in counties with
17 more than 3,000,000 inhabitants an amount not to exceed
18 \$190 through December 31, 2021 and \$184 on and after
19 January 1, 2022. The fees collected under this schedule
20 shall be disbursed as follows:

21 (A) The clerk shall retain a sum, in an amount not
22 to exceed \$55 in a county with a population of
23 3,000,000 or more and in an amount not to exceed \$45 in
24 any other county determined by the clerk with the
25 approval of the Supreme Court, to be used for court
26 automation, court document storage, and administrative

1 purposes.

2 (B) The clerk shall remit up to \$21 to the State
3 Treasurer. The State Treasurer shall deposit the
4 appropriate amounts, in accordance with the clerk's
5 instructions, as follows:

6 (i) up to \$10, as specified by the Supreme
7 Court in accordance with Part 10A of Article II of
8 the Code of Civil Procedure, into the Mandatory
9 Arbitration Fund;

10 (ii) \$2 into the Access to Justice Fund; and

11 (iii) \$9 into the Supreme Court Special
12 Purposes Fund.

13 (C) The clerk shall remit a sum to the County
14 Treasurer, in an amount not to exceed \$290 in a county
15 with a population of 3,000,000 or more and in an amount
16 not to exceed \$250 in any other county, as specified by
17 ordinance or resolution passed by the county board, for
18 purposes related to the operation of the court system
19 in the county.

20 (2) SCHEDULE 2: not to exceed a total of \$357 in a
21 county with a population of 3,000,000 or more and not to
22 exceed \$266 in any other county, except as applied to units
23 of local government and school districts in counties with
24 more than 3,000,000 inhabitants an amount not to exceed
25 \$190 through December 31, 2021 and \$184 on and after
26 January 1, 2022. The fees collected under this schedule

1 shall be disbursed as follows:

2 (A) The clerk shall retain a sum, in an amount not
3 to exceed \$55 in a county with a population of
4 3,000,000 or more and in an amount not to exceed \$45 in
5 any other county determined by the clerk with the
6 approval of the Supreme Court, to be used for court
7 automation, court document storage, and administrative
8 purposes.

9 (B) The clerk shall remit up to \$21 to the State
10 Treasurer. The State Treasurer shall deposit the
11 appropriate amounts, in accordance with the clerk's
12 instructions, as follows:

13 (i) up to \$10, as specified by the Supreme
14 Court in accordance with Part 10A of Article II of
15 the Code of Civil Procedure, into the Mandatory
16 Arbitration Fund;

17 (ii) \$2 into the Access to Justice Fund: and

18 (iii) \$9 into the Supreme Court Special
19 Purposes Fund.

20 (C) The clerk shall remit a sum to the County
21 Treasurer, in an amount not to exceed \$281 in a county
22 with a population of 3,000,000 or more and in an amount
23 not to exceed \$200 in any other county, as specified by
24 ordinance or resolution passed by the county board, for
25 purposes related to the operation of the court system
26 in the county.

1 (3) SCHEDULE 3: not to exceed a total of \$265 in a
2 county with a population of 3,000,000 or more and not to
3 exceed \$89 in any other county, except as applied to units
4 of local government and school districts in counties with
5 more than 3,000,000 inhabitants an amount not to exceed
6 \$190 through December 31, 2021 and \$184 on and after
7 January 1, 2022. The fees collected under this schedule
8 shall be disbursed as follows:

9 (A) The clerk shall retain a sum, in an amount not
10 to exceed \$55 in a county with a population of
11 3,000,000 or more and in an amount not to exceed \$22 in
12 any other county determined by the clerk with the
13 approval of the Supreme Court, to be used for court
14 automation, court document storage, and administrative
15 purposes.

16 (B) The clerk shall remit \$11 to the State
17 Treasurer. The State Treasurer shall deposit the
18 appropriate amounts in accordance with the clerk's
19 instructions, as follows:

20 (i) \$2 into the Access to Justice Fund; and

21 (ii) \$9 into the Supreme Court Special
22 Purposes Fund.

23 (C) The clerk shall remit a sum to the County
24 Treasurer, in an amount not to exceed \$199 in a county
25 with a population of 3,000,000 or more and in an amount
26 not to exceed \$56 in any other county, as specified by

1 ordinance or resolution passed by the county board, for
2 purposes related to the operation of the court system
3 in the county.

4 (4) SCHEDULE 4: \$0.

5 (b) Appearance. The fee for filing an appearance in a civil
6 action, including a cannabis civil law action under the
7 Cannabis Control Act, shall be as set forth in the applicable
8 schedule under this subsection in accordance with case
9 categories established by the Supreme Court in schedules.

10 (1) SCHEDULE 1: not to exceed a total of \$230 in a
11 county with a population of 3,000,000 or more and not to
12 exceed \$191 in any other county, except as applied to units
13 of local government and school districts in counties with
14 more than 3,000,000 inhabitants an amount not to exceed
15 \$75. The fees collected under this schedule shall be
16 disbursed as follows:

17 (A) The clerk shall retain a sum, in an amount not
18 to exceed \$50 in a county with a population of
19 3,000,000 or more and in an amount not to exceed \$45 in
20 any other county determined by the clerk with the
21 approval of the Supreme Court, to be used for court
22 automation, court document storage, and administrative
23 purposes.

24 (B) The clerk shall remit up to \$21 to the State
25 Treasurer. The State Treasurer shall deposit the
26 appropriate amounts, in accordance with the clerk's

1 instructions, as follows:

2 (i) up to \$10, as specified by the Supreme
3 Court in accordance with Part 10A of Article II of
4 the Code of Civil Procedure, into the Mandatory
5 Arbitration Fund;

6 (ii) \$2 into the Access to Justice Fund; and

7 (iii) \$9 into the Supreme Court Special
8 Purposes Fund.

9 (C) The clerk shall remit a sum to the County
10 Treasurer, in an amount not to exceed \$159 in a county
11 with a population of 3,000,000 or more and in an amount
12 not to exceed \$125 in any other county, as specified by
13 ordinance or resolution passed by the county board, for
14 purposes related to the operation of the court system
15 in the county.

16 (2) SCHEDULE 2: not to exceed a total of \$130 in a
17 county with a population of 3,000,000 or more and not to
18 exceed \$109 in any other county, except as applied to units
19 of local government and school districts in counties with
20 more than 3,000,000 inhabitants an amount not to exceed
21 \$75. The fees collected under this schedule shall be
22 disbursed as follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$50 in a county with a population of
25 3,000,000 or more and in an amount not to exceed \$10 in
26 any other county determined by the clerk with the

1 approval of the Supreme Court, to be used for court
2 automation, court document storage, and administrative
3 purposes.

4 (B) The clerk shall remit \$9 to the State
5 Treasurer, which the State Treasurer shall deposit
6 into the Supreme Court Special Purpose Fund.

7 (C) The clerk shall remit a sum to the County
8 Treasurer, in an amount not to exceed \$71 in a county
9 with a population of 3,000,000 or more and in an amount
10 not to exceed \$90 in any other county, as specified by
11 ordinance or resolution passed by the county board, for
12 purposes related to the operation of the court system
13 in the county.

14 (3) SCHEDULE 3: \$0.

15 (b-5) Kane County and Will County. In Kane County and Will
16 County civil cases, there is an additional fee of up to \$30 as
17 set by the county board under Section 5-1101.3 of the Counties
18 Code to be paid by each party at the time of filing the first
19 pleading, paper, or other appearance; provided that no
20 additional fee shall be required if more than one party is
21 represented in a single pleading, paper, or other appearance.
22 Distribution of fees collected under this subsection (b-5)
23 shall be as provided in Section 5-1101.3 of the Counties Code.

24 (c) Counterclaim or third party complaint. When any
25 defendant files a counterclaim or third party complaint, as
26 part of the defendant's answer or otherwise, the defendant

1 shall pay a filing fee for each counterclaim or third party
2 complaint in an amount equal to the filing fee the defendant
3 would have had to pay had the defendant brought a separate
4 action for the relief sought in the counterclaim or third party
5 complaint, less the amount of the appearance fee, if any, that
6 the defendant has already paid in the action in which the
7 counterclaim or third party complaint is filed.

8 (d) Alias summons. The clerk shall collect a fee not to
9 exceed \$6 in a county with a population of 3,000,000 or more
10 and not to exceed \$5 in any other county for each alias summons
11 or citation issued by the clerk, except as applied to units of
12 local government and school districts in counties with more
13 than 3,000,000 inhabitants an amount not to exceed \$5 for each
14 alias summons or citation issued by the clerk.

15 (e) Jury services. The clerk shall collect, in addition to
16 other fees allowed by law, a sum not to exceed \$212.50, as a
17 fee for the services of a jury in every civil action not
18 quasi-criminal in its nature and not a proceeding for the
19 exercise of the right of eminent domain and in every other
20 action wherein the right of trial by jury is or may be given by
21 law. The jury fee shall be paid by the party demanding a jury
22 at the time of filing the jury demand. If the fee is not paid by
23 either party, no jury shall be called in the action or
24 proceeding, and the action or proceeding shall be tried by the
25 court without a jury.

26 (f) Change of venue. In connection with a change of venue:

1 (1) The clerk of the jurisdiction from which the case
2 is transferred may charge a fee, not to exceed \$40, for the
3 preparation and certification of the record; and

4 (2) The clerk of the jurisdiction to which the case is
5 transferred may charge the same filing fee as if it were
6 the commencement of a new suit.

7 (g) Petition to vacate or modify.

8 (1) In a proceeding involving a petition to vacate or
9 modify any final judgment or order filed within 30 days
10 after the judgment or order was entered, except for an
11 eviction ~~a forcible entry and detainer~~ case, small claims
12 case, petition to reopen an estate, petition to modify,
13 terminate, or enforce a judgment or order for child or
14 spousal support, or petition to modify, suspend, or
15 terminate an order for withholding, the fee shall not
16 exceed \$60 in a county with a population of 3,000,000 or
17 more and shall not exceed \$50 in any other county, except
18 as applied to units of local government and school
19 districts in counties with more than 3,000,000 inhabitants
20 an amount not to exceed \$50.

21 (2) In a proceeding involving a petition to vacate or
22 modify any final judgment or order filed more than 30 days
23 after the judgment or order was entered, except for a
24 petition to modify, terminate, or enforce a judgment or
25 order for child or spousal support, or petition to modify,
26 suspend, or terminate an order for withholding, the fee

1 shall not exceed \$75.

2 (3) In a proceeding involving a motion to vacate or
3 amend a final order, motion to vacate an ex parte judgment,
4 judgment of forfeiture, or "failure to appear" or "failure
5 to comply" notices sent to the Secretary of State, the fee
6 shall equal \$40.

7 (h) Appeals preparation. The fee for preparation of a
8 record on appeal shall be based on the number of pages, as
9 follows:

10 (1) if the record contains no more than 100 pages, the
11 fee shall not exceed \$70 in a county with a population of
12 3,000,000 or more and shall not exceed \$50 in any other
13 county;

14 (2) if the record contains between 100 and 200 pages,
15 the fee shall not exceed \$100; and

16 (3) if the record contains 200 or more pages, the clerk
17 may collect an additional fee not to exceed 25 cents per
18 page.

19 (i) Remands. In any cases remanded to the circuit court
20 from the Supreme Court or the appellate court for a new trial,
21 the clerk shall reinstate the case with either its original
22 number or a new number. The clerk shall not charge any new or
23 additional fee for the reinstatement. Upon reinstatement, the
24 clerk shall advise the parties of the reinstatement. Parties
25 shall have the same right to a jury trial on remand and
26 reinstatement that they had before the appeal, and no

1 additional or new fee or charge shall be made for a jury trial
2 after remand.

3 (j) Garnishment, wage deduction, and citation. In
4 garnishment affidavit, wage deduction affidavit, and citation
5 petition proceedings:

6 (1) if the amount in controversy in the proceeding is
7 not more than \$1,000, the fee may not exceed \$35 in a
8 county with a population of 3,000,000 or more and may not
9 exceed \$15 in any other county, except as applied to units
10 of local government and school districts in counties with
11 more than 3,000,000 inhabitants an amount not to exceed
12 \$15;

13 (2) if the amount in controversy in the proceeding is
14 greater than \$1,000 and not more than \$5,000, the fee may
15 not exceed \$45 in a county with a population of 3,000,000
16 or more and may not exceed \$30 in any other county, except
17 as applied to units of local government and school
18 districts in counties with more than 3,000,000 inhabitants
19 an amount not to exceed \$30; and

20 (3) if the amount in controversy in the proceeding is
21 greater than \$5,000, the fee may not exceed \$65 in a county
22 with a population of 3,000,000 or more and may not exceed
23 \$50 in any other county, except as applied to units of
24 local government and school districts in counties with more
25 than 3,000,000 inhabitants an amount not to exceed \$50.

26 (j-5) Debt collection. In any proceeding to collect a debt

1 subject to the exception in item (ii) of subparagraph (A-5) of
2 paragraph (1) of subsection (z) of this Section, the circuit
3 court shall order and the clerk shall collect from each
4 judgment debtor a fee of:

5 (1) \$35 if the amount in controversy in the proceeding
6 is not more than \$1,000;

7 (2) \$45 if the amount in controversy in the proceeding
8 is greater than \$1,000 and not more than \$5,000; and

9 (3) \$65 if the amount in controversy in the proceeding
10 is greater than \$5,000.

11 (k) Collections.

12 (1) For all collections made of others, except the
13 State and county and except in maintenance or child support
14 cases, the clerk may collect a fee of up to 2.5% of the
15 amount collected and turned over.

16 (2) In child support and maintenance cases, the clerk
17 may collect an annual fee of up to \$36 from the person
18 making payment for maintaining child support records and
19 the processing of support orders to the State of Illinois
20 KIDS system and the recording of payments issued by the
21 State Disbursement Unit for the official record of the
22 Court. This fee is in addition to and separate from amounts
23 ordered to be paid as maintenance or child support and
24 shall be deposited into a Separate Maintenance and Child
25 Support Collection Fund, of which the clerk shall be the
26 custodian, ex officio, to be used by the clerk to maintain

1 child support orders and record all payments issued by the
2 State Disbursement Unit for the official record of the
3 Court. The clerk may recover from the person making the
4 maintenance or child support payment any additional cost
5 incurred in the collection of this annual fee.

6 (3) The clerk may collect a fee of \$5 for
7 certifications made to the Secretary of State as provided
8 in Section 7-703 of the Illinois Vehicle Code, ~~Family~~
9 ~~Financial Responsibility Law~~ and this fee ~~these fees~~ shall
10 be deposited into the Separate Maintenance and Child
11 Support Collection Fund.

12 (4) In proceedings to foreclose the lien of delinquent
13 real estate taxes, State's Attorneys shall receive a fee of
14 10% of the total amount realized from the sale of real
15 estate sold in the proceedings. The clerk shall collect the
16 fee from the total amount realized from the sale of the
17 real estate sold in the proceedings and remit to the County
18 Treasurer to be credited to the earnings of the Office of
19 the State's Attorney.

20 (l) Mailing. The fee for the clerk mailing documents shall
21 not exceed \$10 plus the cost of postage.

22 (m) Certified copies. The fee for each certified copy of a
23 judgment, after the first copy, shall not exceed \$10.

24 (n) Certification, authentication, and reproduction.

25 (1) The fee for each certification or authentication
26 for taking the acknowledgment of a deed or other instrument

1 in writing with the seal of office shall not exceed \$6.

2 (2) The fee for reproduction of any document contained
3 in the clerk's files shall not exceed:

4 (A) \$2 for the first page;

5 (B) 50 cents per page for the next 19 pages; and

6 (C) 25 cents per page for all additional pages.

7 (o) Record search. For each record search, within a
8 division or municipal district, the clerk may collect a search
9 fee not to exceed \$6 for each year searched.

10 (p) Hard copy. For each page of hard copy print output,
11 when case records are maintained on an automated medium, the
12 clerk may collect a fee not to exceed \$10 in a county with a
13 population of 3,000,000 or more and not to exceed \$6 in any
14 other county, except as applied to units of local government
15 and school districts in counties with more than 3,000,000
16 inhabitants an amount not to exceed \$6.

17 (q) Index inquiry and other records. No fee shall be
18 charged for a single plaintiff and defendant index inquiry or
19 single case record inquiry when this request is made in person
20 and the records are maintained in a current automated medium,
21 and when no hard copy print output is requested. The fees to be
22 charged for management records, multiple case records, and
23 multiple journal records may be specified by the Chief Judge
24 pursuant to the guidelines for access and dissemination of
25 information approved by the Supreme Court.

26 (r) Performing a marriage. There shall be a \$10 fee for

1 performing a marriage in court.

2 (s) Voluntary assignment. For filing each deed of voluntary
3 assignment, the clerk shall collect a fee not to exceed \$20.
4 For recording a deed of voluntary assignment, the clerk shall
5 collect a fee not to exceed 50 cents for each 100 words.
6 Exceptions filed to claims presented to an assignee of a debtor
7 who has made a voluntary assignment for the benefit of
8 creditors shall be considered and treated, for the purpose of
9 taxing costs therein, as actions in which the party or parties
10 filing the exceptions shall be considered as party or parties
11 plaintiff, and the claimant or claimants as party or parties
12 defendant, and those parties respectively shall pay to the
13 clerk the same fees as provided by this Section to be paid in
14 other actions.

15 (t) Expungement petition. The clerk may collect a fee not
16 to exceed \$60 for each expungement petition filed and an
17 additional fee not to exceed \$4 for each certified copy of an
18 order to expunge arrest records.

19 (u) Transcripts of judgment. For the filing of a transcript
20 of judgment, the clerk may collect the same fee as if it were
21 the commencement of a new suit.

22 (v) Probate filings.

23 (1) For each account (other than one final account)
24 filed in the estate of a decedent, or ward, the fee shall
25 not exceed \$25.

26 (2) For filing a claim in an estate when the amount

1 claimed is greater than \$150 and not more than \$500, the
2 fee shall not exceed \$40 in a county with a population of
3 3,000,000 or more and shall not exceed \$25 in any other
4 county; when the amount claimed is greater than \$500 and
5 not more than \$10,000, the fee shall not exceed \$55 in a
6 county with a population of 3,000,000 or more and shall not
7 exceed \$40 in any other county; and when the amount claimed
8 is more than \$10,000, the fee shall not exceed \$75 in a
9 county with a population of 3,000,000 or more and shall not
10 exceed \$60 in any other county; except the court in
11 allowing a claim may add to the amount allowed the filing
12 fee paid by the claimant.

13 (3) For filing in an estate a claim, petition, or
14 supplemental proceeding based upon an action seeking
15 equitable relief including the construction or contest of a
16 will, enforcement of a contract to make a will, and
17 proceedings involving testamentary trusts or the
18 appointment of testamentary trustees, the fee shall not
19 exceed \$60.

20 (4) There shall be no fee for filing in an estate: (i)
21 the appearance of any person for the purpose of consent; or
22 (ii) the appearance of an executor, administrator,
23 administrator to collect, guardian, guardian ad litem, or
24 special administrator.

25 (5) For each jury demand, the fee shall not exceed
26 \$137.50.

1 (6) For each certified copy of letters of office, of
2 court order, or other certification, the fee shall not
3 exceed \$2 per page.

4 (7) For each exemplification, the fee shall not exceed
5 \$2, plus the fee for certification.

6 (8) The executor, administrator, guardian, petitioner,
7 or other interested person or his or her attorney shall pay
8 the cost of publication by the clerk directly to the
9 newspaper.

10 (9) The person on whose behalf a charge is incurred for
11 witness, court reporter, appraiser, or other miscellaneous
12 fees shall pay the same directly to the person entitled
13 thereto.

14 (10) The executor, administrator, guardian,
15 petitioner, or other interested person or his or her
16 attorney shall pay to the clerk all postage charges
17 incurred by the clerk in mailing petitions, orders,
18 notices, or other documents pursuant to the provisions of
19 the Probate Act of 1975.

20 (w) Corrections of numbers. For correction of the case
21 number, case title, or attorney computer identification
22 number, if required by rule of court, on any document filed in
23 the clerk's office, to be charged against the party that filed
24 the document, the fee shall not exceed \$25.

25 (x) Miscellaneous.

26 (1) Interest earned on any fees collected by the clerk

1 shall be turned over to the county general fund as an
2 earning of the office.

3 (2) For any check, draft, or other bank instrument
4 returned to the clerk for non-sufficient funds, account
5 closed, or payment stopped, the clerk shall collect a fee
6 of \$25.

7 (y) Other fees. Any fees not covered in this Section shall
8 be set by rule or administrative order of the circuit court
9 with the approval of the Administrative Office of the Illinois
10 Courts. The clerk of the circuit court may provide services in
11 connection with the operation of the clerk's office, other than
12 those services mentioned in this Section, as may be requested
13 by the public and agreed to by the clerk and approved by the
14 Chief Judge. Any charges for additional services shall be as
15 agreed to between the clerk and the party making the request
16 and approved by the Chief Judge. Nothing in this subsection
17 shall be construed to require any clerk to provide any service
18 not otherwise required by law.

19 (y-5) Unpaid fees. Unless a court ordered payment schedule
20 is implemented or the fee requirements of this Section are
21 waived under a court order, the clerk of the circuit court may
22 add to any unpaid fees and costs under this Section a
23 delinquency amount equal to 5% of the unpaid fees that remain
24 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
25 after 60 days, and 15% of the unpaid fees that remain unpaid
26 after 90 days. Notice to those parties may be made by signage

1 posting or publication. The additional delinquency amounts
2 collected under this Section shall be deposited into the
3 Circuit Court Clerk Operations and Administration Fund and used
4 to defray additional administrative costs incurred by the clerk
5 of the circuit court in collecting unpaid fees and costs.

6 (z) Exceptions.

7 (1) No fee authorized by this Section shall apply to:

8 (A) police departments or other law enforcement
9 agencies. In this Section, "law enforcement agency"
10 means: an agency of the State or agency of a unit of
11 local government which is vested by law or ordinance
12 with the duty to maintain public order and to enforce
13 criminal laws or ordinances; the Attorney General; or
14 any State's Attorney;

15 (A-5) any unit of local government or school
16 district, except in counties having a population of
17 500,000 or more the county board may by resolution set
18 fees for units of local government or school districts
19 no greater than the minimum fees applicable in counties
20 with a population less than 3,000,000; provided
21 however, no fee may be charged to any unit of local
22 government or school district in connection with any
23 action which, in whole or in part, is: (i) to enforce
24 an ordinance; (ii) to collect a debt; or (iii) under
25 the Administrative Review Law;

26 (B) any action instituted by the corporate

1 authority of a municipality with more than 1,000,000
2 inhabitants under Section 11-31-1 of the Illinois
3 Municipal Code and any action instituted under
4 subsection (b) of Section 11-31-1 of the Illinois
5 Municipal Code by a private owner or tenant of real
6 property within 1,200 feet of a dangerous or unsafe
7 building seeking an order compelling the owner or
8 owners of the building to take any of the actions
9 authorized under that subsection;

10 (C) any commitment petition or petition for an
11 order authorizing the administration of psychotropic
12 medication or electroconvulsive therapy under the
13 Mental Health and Developmental Disabilities Code;

14 (D) a petitioner in any order of protection
15 proceeding, including, but not limited to, fees for
16 filing, modifying, withdrawing, certifying, or
17 photocopying petitions for orders of protection,
18 issuing alias summons, any related filing service, or
19 certifying, modifying, vacating, or photocopying any
20 orders of protection; or

21 (E) proceedings for the appointment of a
22 confidential intermediary under the Adoption Act.

23 (2) No fee other than the filing fee contained in the
24 applicable schedule in subsection (a) shall be charged to
25 any person in connection with an adoption proceeding.

26 (3) Upon good cause shown, the court may waive any fees

1 associated with a special needs adoption. The term "special
2 needs adoption" has the meaning provided by the Illinois
3 Department of Children and Family Services.

4 (aa) This Section is repealed on January 1, 2021 ~~December~~
5 ~~31, 2019~~.

6 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
7 revised 10-4-18.)

8 (705 ILCS 105/27.1c new)

9 Sec. 27.1c. Assessment report.

10 (a) Not later than February 29, 2020, the clerk of the
11 circuit court shall submit to the Administrative Office of the
12 Illinois Courts a report for the period July 1, 2019 through
13 December 31, 2019 containing, with respect to each of the 4
14 categories of civil cases established by the Supreme Court
15 pursuant to Section 27.1b of this Act:

16 (1) the total number of cases that were filed;

17 (2) the amount of filing fees that were collected
18 pursuant to subsection (a) of Section 27.1b;

19 (3) the amount of appearance fees that were collected
20 pursuant to subsection (b) of Section 27.1b;

21 (4) the amount of fees collected pursuant to subsection
22 (b-5) of Section 27.1b;

23 (5) the amount of filing fees collected for
24 counterclaims or third party complaints pursuant to
25 subsection (c) of Section 27.1b;

1 (6) the nature and amount of any fees collected
2 pursuant to subsection (y) of Section 27.1b; and

3 (7) the number of cases for which, pursuant to Section
4 5-105 of the Code of Civil Procedure, there were waivers of
5 fees, costs, and charges of 25%, 50%, 75%, or 100%,
6 respectively, and the associated amount of fees, costs, and
7 charges that were waived.

8 (b) The Administrative Office of the Illinois Courts shall
9 publish the reports submitted under this Section on its
10 website.

11 (c) This Section is repealed on January 1, 2021.

12 Section 15. The Criminal and Traffic Assessment Act is
13 amended by changing Sections 1-5, 5-10, 10-5, 15-30, 15-50,
14 15-52, 15-60, and 15-70 and by adding Section 1-10 as follows:

15 (705 ILCS 135/1-5)

16 (This Section may contain text from a Public Act with a
17 delayed effective date)

18 (Section scheduled to be repealed on January 1, 2021)

19 Sec. 1-5. Definitions. In this Act:

20 "Assessment" means any costs imposed on a defendant under
21 schedules 1 through 13 of this Act.

22 "Business offense" means any offense punishable by a fine
23 in excess of \$1,000 and for which a sentence of imprisonment is
24 not an authorized disposition ~~a petty offense for which the~~

1 ~~fine is in excess of \$1,000.~~

2 "Case" means all charges and counts filed against a single
3 defendant which are being prosecuted as a single proceeding
4 before the court.

5 "Count" means each separate offense charged in the same
6 indictment, information, or complaint when the indictment,
7 information, or complaint alleges the commission of more than
8 one offense.

9 "Conservation offense" means any violation of the
10 following Acts, Codes, or ordinances, except any offense
11 punishable upon conviction by imprisonment in the
12 penitentiary:

- 13 (1) Fish and Aquatic Life Code;
- 14 (2) Wildlife Code;
- 15 (3) Boat Registration and Safety Act;
- 16 (4) Park District Code;
- 17 (5) Chicago Park District Act;
- 18 (6) State Parks Act;
- 19 (7) State Forest Act;
- 20 (8) Forest Fire Protection District Act;
- 21 (9) Snowmobile Registration and Safety Act;
- 22 (10) Endangered Species Protection Act;
- 23 (11) Forest Products Transportation Act;
- 24 (12) Timber Buyers Licensing Act;
- 25 (13) Downstate Forest Preserve District Act;
- 26 (14) Exotic Weed Act;

- 1 (15) Ginseng Harvesting Act;
- 2 (16) Cave Protection Act;
- 3 (17) ordinances adopted under the Counties Code for the
- 4 acquisition of property for parks or recreational areas;
- 5 (18) Recreational Trails of Illinois Act;
- 6 (19) Herptiles-Herps Act; or
- 7 (20) any rule, regulation, proclamation, or ordinance
- 8 adopted under any Code or Act named in paragraphs (1)
- 9 through (19) of this definition.

10 "Conviction" means a judgment of conviction or sentence

11 entered upon a plea of guilty or upon a verdict or finding of

12 guilty of an offense, rendered by a legally constituted jury or

13 by a court of competent jurisdiction authorized to try the case

14 without a jury.

15 "Drug offense" means any violation of the Cannabis Control

16 Act, the Illinois Controlled Substances Act, the

17 Methamphetamine Control and Community Protection Act, or any

18 similar local ordinance which involves the possession or

19 delivery of a drug.

20 "Drug-related emergency response" means the act of

21 collecting evidence from or securing a site where controlled

22 substances were manufactured, or where by-products from the

23 manufacture of controlled substances are present, and cleaning

24 up the site, whether these actions are performed by public

25 entities or private contractors paid by public entities.

26 "Electronic citation" means the process of transmitting

1 traffic, misdemeanor, ~~municipal~~ ordinance, conservation, or
2 other citations and law enforcement data via electronic means
3 to a circuit court clerk.

4 "Emergency response" means any incident requiring a
5 response by a police officer, an ambulance, a firefighter
6 carried on the rolls of a regularly constituted fire department
7 or fire protection district, a firefighter of a volunteer fire
8 department, or a member of a recognized not-for-profit rescue
9 or emergency medical service provider. "Emergency response"
10 does not include a drug-related emergency response.

11 "Felony offense" means an offense for which a sentence to a
12 term of imprisonment in a penitentiary for one year or more is
13 provided.

14 "Fine" means a pecuniary punishment for a conviction or
15 supervision disposition as ordered by a court of law.

16 "Highest classified offense" means the offense in the case
17 which carries the most severe potential disposition under
18 Article 4.5 of Chapter V of the Unified Code of Corrections.

19 "Major traffic offense" means a traffic offense, as defined
20 by paragraph (f) of Supreme Court Rule 501, ~~under the Illinois~~
21 ~~Vehicle Code or a similar provision of a local ordinance~~ other
22 than a petty offense or business offense.

23 "Minor traffic offense" means a traffic offense, as defined
24 by paragraph (f) of Supreme Court Rule 501, that is a petty
25 offense or business offense ~~under the Illinois Vehicle Code or~~
26 ~~a similar provision of a local ordinance.~~

1 "Misdemeanor offense" means any offense for which a
2 sentence to a term of imprisonment in other than a penitentiary
3 for less than one year may be imposed.

4 "Offense" means a violation of any local ordinance or penal
5 statute of this State.

6 "Petty offense" means any offense punishable by a fine of
7 up to \$1,000 and for which a sentence of imprisonment is not an
8 authorized disposition.

9 "Service provider costs" means costs incurred as a result
10 of services provided by an entity including, but not limited
11 to, traffic safety programs, laboratories, ambulance
12 companies, and fire departments. "Service provider costs"
13 includes conditional amounts under this Act that are
14 reimbursements for services provided.

15 "Street value" means the amount determined by the court on
16 the basis of testimony of law enforcement personnel and the
17 defendant as to the amount of drug or materials seized and any
18 testimony as may be required by the court as to the current
19 street value of the cannabis, controlled substance,
20 methamphetamine or salt of an optical isomer of
21 methamphetamine, or methamphetamine manufacturing materials
22 seized.

23 "Supervision" means a disposition of conditional and
24 revocable release without probationary supervision, but under
25 the conditions and reporting requirements as are imposed by the
26 court, at the successful conclusion of which disposition the

1 defendant is discharged and a judgment dismissing the charges
2 is entered.

3 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
4 revised 10-4-18.)

5 (705 ILCS 135/1-10 new)

6 Sec. 1-10. Assessment reports.

7 (a) Not later than February 29, 2020, the clerk of the
8 circuit court shall file with the Administrative Office of the
9 Illinois Courts:

10 (1) a report for the period July 1, 2019 through
11 December 31, 2019 containing the total number of cases
12 filed in the following categories: total felony cases;
13 felony driving under the influence of alcohol, drugs, or a
14 combination thereof; cases that contain at least one count
15 of driving under the influence of alcohol, drugs, or a
16 combination thereof; felony cases that contain at least one
17 count of a drug offense; felony cases that contain at least
18 one count of a sex offense; total misdemeanor cases;
19 misdemeanor driving under the influence of alcohol, drugs,
20 or a combination thereof cases; misdemeanor cases that
21 contain at least one count of a drug offense; misdemeanor
22 cases that contain at least one count of a sex offense;
23 total traffic offense counts; traffic offense counts of a
24 misdemeanor offense under the Illinois Vehicle Code;
25 traffic offense counts of an overweight offense under the

1 Illinois Vehicle Code; traffic offense counts that are
2 satisfied under Supreme Court Rule 529; conservation
3 cases; and ordinance cases that do not contain an offense
4 under the Illinois Vehicle Code;

5 (2) a report for the period July 1, 2019 through
6 December 31, 2019 containing the following for each
7 schedule referenced in Sections 15-5 through 15-70 of this
8 Act: the number of offenses for which assessments were
9 imposed; the amount of any fines imposed in addition to
10 assessments; the number and amount of conditional
11 assessments ordered pursuant to Section 15-70; and for 25%,
12 50%, 75%, and 100% waivers, respectively, the number of
13 offenses for which waivers were granted and the associated
14 amount of assessments that were waived; and

15 (3) a report for the period July 1, 2019 through
16 December 31, 2019 containing, with respect to each schedule
17 referenced in Sections 15-5 through 15-70 of this Act, the
18 number of offenses for which assessments were collected;
19 the number of offenses for which fines were collected and
20 the amount collected; and how much was disbursed to each
21 fund under the disbursement requirements for each schedule
22 defined in Section 15-5.

23 (b) The Administrative Office of the Illinois Courts shall
24 publish the reports submitted under this Section on its
25 website.

26 (c) A list of offenses that qualify as drug offenses for

1 Schedules 3 and 7 and a list of offenses that qualify as sex
2 offenses for Schedules 4 and 8 shall be distributed to clerks
3 of the circuit court by the Administrative Office of the
4 Illinois Courts.

5 (705 ILCS 135/5-10)

6 (This Section may contain text from a Public Act with a
7 delayed effective date)

8 (Section scheduled to be repealed on January 1, 2021)

9 Sec. 5-10. Schedules; payment.

10 (a) In each case, the court shall order an assessment at
11 the time of sentencing, as set forth in this Act, for a
12 defendant to pay in addition to any fine, restitution, or
13 forfeiture ordered by the court when the defendant is convicted
14 of, pleads guilty to, or is placed on court supervision for a
15 violation of a statute of this State or a similar local
16 ordinance. The court may order a fine, restitution, or
17 forfeiture on any violation that is being sentenced but shall
18 order only one assessment from the Schedule of Assessments 1
19 through 13 of this Act for all sentenced violations in a case,
20 that being the schedule applicable to the highest classified
21 offense violation that is being sentenced, plus any conditional
22 assessments under Section 15-70 of this Act applicable to any
23 sentenced violation in the case.

24 (b) If the court finds that the schedule of assessments
25 will cause an undue burden on any victim in a case or if the

1 court orders community service or some other punishment in
2 place of the applicable schedule of assessments, the court may
3 reduce the amount set forth in the applicable schedule of
4 assessments or not order the applicable schedule of
5 assessments. If the court reduces the amount set forth in the
6 applicable schedule of assessments, then all recipients of the
7 funds collected will receive a prorated amount to reflect the
8 reduction.

9 (c) The court may order the assessments to be paid
10 forthwith or within a specified period of time or in
11 installments.

12 (c-3) Excluding any ordered conditional assessment, if the
13 assessment is not paid within the period of probation,
14 conditional discharge, or supervision to which the defendant
15 was originally sentenced, the court may extend the period of
16 probation, conditional discharge, or supervision under Section
17 5-6-2 or 5-6-3.1 of the Unified Code of Corrections, as
18 applicable, until the assessment is paid or until successful
19 completion of public or community service set forth in
20 subsection (b) of Section 5-20 of this Act or the successful
21 completion of the substance abuse intervention or treatment
22 program set forth in subsection (c-5) of this Section.

23 (c-5) Excluding any ordered conditional assessment, the
24 court may suspend the collection of the assessment; provided,
25 the defendant agrees to enter a substance abuse intervention or
26 treatment program approved by the court; and further provided

1 that the defendant agrees to pay for all or some portion of the
2 costs associated with the intervention or treatment program. In
3 this case, the collection of the assessment shall be suspended
4 during the defendant's participation in the approved
5 intervention or treatment program. Upon successful completion
6 of the program, the defendant may apply to the court to reduce
7 the assessment imposed under this Section by any amount
8 actually paid by the defendant for his or her participation in
9 the program. The court shall not reduce the assessment under
10 this subsection unless the defendant establishes to the
11 satisfaction of the court that he or she has successfully
12 completed the intervention or treatment program. If the
13 defendant's participation is for any reason terminated before
14 his or her successful completion of the intervention or
15 treatment program, collection of the entire assessment imposed
16 under this Act shall be enforced. Nothing in this Section shall
17 be deemed to affect or suspend any other fines, restitution
18 costs, forfeitures, or assessments imposed under this or any
19 other Act.

20 (d) Except as provided in Section 5-15 of this Act, the
21 defendant shall pay to the clerk of the court and the clerk
22 shall remit the assessment to the appropriate entity as set
23 forth in the ordered schedule of assessments within one month
24 of its receipt.

25 (e) Unless a court ordered payment schedule is implemented
26 or the assessment requirements of this Act are waived under a

1 court order, the clerk of the circuit court may add to any
2 unpaid assessments under this Act a delinquency amount equal to
3 5% of the unpaid assessments that remain unpaid after 30 days,
4 10% of the unpaid assessments that remain unpaid after 60 days,
5 and 15% of the unpaid assessments that remain unpaid after 90
6 days. Notice to those parties may be made by signage posting or
7 publication. The additional delinquency amounts collected
8 under this Section shall be deposited into the Circuit Clerk
9 Operations and Administration Fund and used to defray
10 additional administrative costs incurred by the clerk of the
11 circuit court in collecting unpaid assessments.

12 (Source: P.A. 100-987, eff. 7-1-19.)

13 (705 ILCS 135/10-5)

14 (This Section may contain text from a Public Act with a
15 delayed effective date)

16 (Section scheduled to be repealed on January 1, 2021)

17 Sec. 10-5. Funds.

18 (a) All money collected by the Clerk of the Circuit Court
19 under Article 15 of this Act shall be remitted as directed in
20 Article 15 of this Act to the county treasurer, to the State
21 Treasurer, and to the treasurers of the units of local
22 government. If an amount payable to any of the treasurers is
23 less than \$10, the clerk may postpone remitting the money until
24 \$10 has accrued or by the end of fiscal year. The treasurers
25 shall deposit the money as indicated in the schedules, except,

1 in a county with a population of over 3,000,000, money ~~monies~~
2 remitted to the county treasurer shall be subject to
3 appropriation by the county board. Any amount retained by the
4 Clerk of the Circuit Court in a county with population of over
5 3,000,000 shall be subject to appropriation by the county
6 board.

7 (b) The county treasurer or the treasurer of the unit of
8 local government may create the funds indicated in paragraphs
9 (1) through (5), (9), and (16) of subsection (d) of this
10 Section, if not already in existence. If a county or unit of
11 local government has not instituted, and does not plan to
12 institute a program that uses a particular fund, the treasurer
13 need not create the fund and may instead deposit the money
14 intended for the fund into the general fund of the county or
15 unit of local government for use in financing the court system.

16 (c) If the arresting agency is a State agency, the
17 arresting agency portion shall be remitted by the clerk of
18 court to the State Treasurer who shall deposit the portion as
19 follows:

20 (1) if the arresting agency is the Department of State
21 Police, into the State Police Law Enforcement
22 Administration Fund;

23 (2) if the arresting agency is the Department of
24 Natural Resources, into the Conservation Police Operations
25 Assistance Fund;

26 (3) if the arresting agency is the Secretary of State,

1 into the Secretary of State Police Services Fund; and

2 (4) if the arresting agency is the Illinois Commerce
3 Commission, into the Public Utility Fund.

4 (d) Fund descriptions and provisions:

5 (1) The Court Automation Fund is to defray the expense,
6 borne by the county, of establishing and maintaining
7 automated record keeping systems in the Office of the Clerk
8 of the Circuit Court. The money shall be remitted monthly
9 by the clerk to the county treasurer and identified as
10 funds for the Circuit Court Clerk. The fund shall be
11 audited by the county auditor, and the board shall make
12 expenditures from the fund in payment of any costs related
13 to the automation of court records including hardware,
14 software, research and development costs, and personnel
15 costs related to the foregoing, provided that the
16 expenditure is approved by the clerk of the court and by
17 the chief judge of the circuit court or his or her
18 designee.

19 (2) The Document Storage Fund is to defray the expense,
20 borne by the county, of establishing and maintaining a
21 document storage system and converting the records of the
22 circuit court clerk to electronic or micrographic storage.
23 The money shall be remitted monthly by the clerk to the
24 county treasurer and identified as funds for the circuit
25 court clerk. The fund shall be audited by the county
26 auditor, and the board shall make expenditure from the fund

1 in payment of any cost related to the storage of court
2 records, including hardware, software, research and
3 development costs, and personnel costs related to the
4 foregoing, provided that the expenditure is approved by the
5 clerk of the court.

6 (3) The Circuit Clerk Operations and Administration
7 Fund may be used ~~is~~ to defray the expenses incurred for
8 collection and disbursement of the various assessment
9 schedules. The money shall be remitted monthly by the clerk
10 to the county treasurer and identified as funds for the
11 circuit court clerk.

12 (4) The State's Attorney Records Automation Fund is to
13 defray the expense of establishing and maintaining
14 automated record keeping systems in the offices of the
15 State's Attorney. The money shall be remitted monthly by
16 the clerk to the county treasurer for deposit into the
17 State's Attorney Records Automation Fund. Expenditures
18 from this fund may be made by the State's Attorney for
19 hardware, software, and research and development related
20 to automated record keeping systems.

21 (5) The Public Defender Records Automation Fund is to
22 defray the expense of establishing and maintaining
23 automated record keeping systems in the offices of the
24 Public Defender. The money shall be remitted monthly by the
25 clerk to the county treasurer for deposit into the Public
26 Defender Records Automation Fund. Expenditures from this

1 fund may be made by the Public Defender for hardware,
2 software, and research and development related to
3 automated record keeping systems.

4 (6) The DUI Fund shall be used for enforcement and
5 prevention of driving while under the influence of alcohol,
6 other drug or drugs, intoxicating compound or compounds or
7 any combination thereof, as defined by Section 11-501 of
8 the Illinois Vehicle Code, including, but not limited to,
9 the purchase of law enforcement equipment and commodities
10 that will assist in the prevention of alcohol-related
11 criminal violence throughout the State; police officer
12 training and education in areas related to alcohol-related
13 ~~alcohol related~~ crime, including, but not limited to, DUI
14 training; and police officer salaries, including, but not
15 limited to, salaries for hire-back ~~hire-back~~ funding for
16 safety checkpoints, saturation patrols, and liquor store
17 sting operations. Any moneys ~~received by the Department of~~
18 ~~State Police shall be deposited into the State Police~~
19 ~~Operations Assistance Fund and those moneys and moneys in~~
20 ~~the State Police DUI Fund~~ shall be used to purchase law
21 enforcement equipment that will assist in the prevention of
22 alcohol-related ~~alcohol related~~ criminal violence
23 throughout the State. The money shall be remitted monthly
24 by the clerk to the State or local treasurer for deposit as
25 provided by law.

26 (7) The Trauma Center Fund shall be distributed as

1 provided under Section 3.225 of the Emergency Medical
2 Services (EMS) Systems Act.

3 (8) The Probation and Court Services Fund is to be
4 expended as described in Section 15.1 of the Probation and
5 Probation Officers Act.

6 (9) The Circuit Court Clerk Electronic Citation Fund
7 shall have the Circuit Court Clerk as the custodian, ex
8 officio, of the Fund and shall be used to perform the
9 duties required by the office for establishing and
10 maintaining electronic citations. The Fund shall be
11 audited by the county's auditor.

12 (10) The Drug Treatment Fund is a special fund in the
13 State treasury. Moneys in the Fund shall be expended as
14 provided in Section 411.2 of the Illinois Controlled
15 Substances Act.

16 (11) The Violent Crime Victims Assistance Fund is a
17 special fund in the State treasury to provide moneys for
18 the grants to be awarded under the Violent Crime Victims
19 Assistance Act.

20 (12) The Criminal Justice Information Projects Fund
21 shall be appropriated to and administered by the Illinois
22 Criminal Justice Information Authority for distribution to
23 fund Department of State Police drug task forces and
24 Metropolitan Enforcement Groups, for the costs associated
25 with making grants from the Prescription Pill and Drug
26 Disposal Fund, for undertaking criminal justice

1 information projects, and for the operating and other
2 expenses of the Authority incidental to those criminal
3 justice information projects. The moneys deposited into
4 the Criminal Justice Information Projects Fund under
5 Sections 15-15 and 15-35 of this Act shall be appropriated
6 to and administered by the Illinois Criminal Justice
7 Information Authority for distribution to fund Department
8 of State Police drug task forces and Metropolitan
9 Enforcement Groups by dividing the funds equally by the
10 total number of Department of State Police drug task forces
11 and Illinois Metropolitan Enforcement Groups.

12 (13) The Sexual Assault Services Fund shall be
13 appropriated to the Department of Public Health. Upon
14 appropriation of moneys from the Sexual Assault Services
15 Fund, the Department of Public Health shall make grants of
16 these moneys to sexual assault organizations with whom the
17 Department has contracts for the purpose of providing
18 community-based services to victims of sexual assault.
19 Grants are in addition to, and are not substitutes for,
20 other grants authorized and made by the Department.

21 (14) The County Jail Medical Costs Fund is to help
22 defray the costs outlined in Section 17 of the County Jail
23 Act. Moneys in the Fund shall be used solely for
24 reimbursement to the county of costs for medical expenses
25 and administration of the Fund.

26 (15) The Prisoner Review Board Vehicle and Equipment

1 Fund is a special fund in the State treasury. The Prisoner
2 Review Board shall, subject to appropriation by the General
3 Assembly and approval by the Secretary, use all moneys in
4 the Prisoner Review Board Vehicle and Equipment Fund for
5 the purchase and operation of vehicles and equipment.

6 (16) In each county in which a Children's Advocacy
7 Center provides services, a Child Advocacy Center Fund is
8 specifically for the operation and administration of the
9 Children's Advocacy Center, from which the county board
10 shall make grants to support the activities and services of
11 the Children's Advocacy Center within that county.

12 (Source: P.A. 100-987, eff. 7-1-19; revised 10-4-18.)

13 (705 ILCS 135/15-30)

14 (This Section may contain text from a Public Act with a
15 delayed effective date)

16 (Section scheduled to be repealed on January 1, 2021)

17 Sec. 15-30. SCHEDULE 6; misdemeanor DUI offenses.

18 SCHEDULE 6: For a misdemeanor under Section 11-501 of the
19 Illinois Vehicle Code, Section 5-7 of the Snowmobile
20 Registration and Safety Act, Section 5-16 of the Boat
21 Registration and Safety Act, or a similar provision of a local
22 ordinance, the Clerk of the Circuit Court shall collect \$1,381
23 and remit as follows:

24 (1) As the county's portion, \$322 to the county treasurer,
25 who shall deposit the money as follows:

- 1 (A) \$20 into the Court Automation Fund;
- 2 (B) \$20 into the Court Document Storage Fund;
- 3 (C) \$5 into the Circuit Court Clerk Operation and
4 Administrative Fund;
- 5 (D) \$8 into the Circuit Court Clerk Electronic Citation
6 Fund;
- 7 (E) \$225 into the county's General Fund;
- 8 (F) \$10 into the Child Advocacy Center Fund;
- 9 (G) \$2 into the State's Attorney Records Automation
10 Fund;
- 11 (H) \$2 into the Public Defenders Records Automation
12 Fund;
- 13 (I) \$10 into the County Jail Medical Costs Fund; and
- 14 (J) \$20 into the Probation and Court Services Fund.
- 15 (2) As the State's portion, \$707 to the State Treasurer,
16 who shall deposit the money as follows:
- 17 (A) \$330 into the State Police Operations Assistance
18 Fund;
- 19 (B) \$5 into the Drivers Education Fund;
- 20 (C) \$5 into the State Police Merit Board Public Safety
21 Fund;
- 22 (D) \$100 into the Trauma Center Fund;
- 23 (E) \$5 into the Spinal Cord Injury Paralysis Cure
24 Research Trust Fund;
- 25 (F) \$22 into the Fire Prevention Fund;
- 26 (G) \$160 into the Traffic and Criminal Conviction

1 Surcharge Fund;

2 (H) \$5 into the Law Enforcement Camera Grant Fund; and

3 (I) \$75 into the Violent Crime Victims Assistance Fund.

4 (3) As the arresting agency's portion, \$352 as follows,
5 unless more than one agency is responsible for the arrest in
6 which case the amount shall be remitted to each unit of
7 government equally:

8 (A) if the arresting agency is a local agency, to the
9 treasurer of the unit of local government of the arresting
10 agency, who shall deposit the money as follows:

11 (i) \$2 into the E-citation Fund of the unit of
12 local government; and

13 (ii) \$350 into the DUI Fund of the unit of local
14 government; or

15 (B) as provided in subsection (c) of Section 10-5 of
16 this Act if the arresting agency is a State agency.

17 (Source: P.A. 100-987, eff. 7-1-19.)

18 (705 ILCS 135/15-50)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 (Section scheduled to be repealed on January 1, 2021)

22 Sec. 15-50. SCHEDULE 10; minor traffic offenses.

23 SCHEDULE 10: For a minor traffic offense, except those
24 offenses listed in Schedule 10.5, the Clerk of the Circuit
25 Court shall collect \$226 plus, if applicable, the amount

1 established under paragraph (1.5) of this Section and remit as
2 follows:

3 (1) As the county's portion, \$168 to the county treasurer,
4 who shall deposit the money as follows:

5 (A) \$20 into the Court Automation Fund;

6 (B) \$20 into the Court Document Storage Fund;

7 (C) \$5 into the Circuit Court Clerk Operation and
8 Administrative Fund;

9 (D) \$8 into the Circuit Court Clerk Electronic Citation
10 Fund; and

11 (E) \$115 into the county's General Fund.

12 (1.5) In a county with a population of 3,000,000 or more,
13 the county board may by ordinance or resolution establish an
14 additional assessment not to exceed \$28 to be remitted to the
15 county treasurer of which \$5 shall be deposited into the Court
16 Automation Fund, \$5 shall be deposited into the Court Document
17 Storage Fund, \$2 shall be deposited into the State's Attorneys
18 Records Automation Fund, \$2 shall be deposited into the Public
19 Defenders Records Automation Fund, \$10 shall be deposited into
20 the Probation and Court Services Fund, and the remainder shall
21 be used for purposes related to the operation of the court
22 system.

23 (2) As the State's portion, \$46 to the State Treasurer, who
24 shall deposit the money as follows:

25 (A) \$10 into the State Police Operations Assistance
26 Fund;

1 (B) \$5 into the State Police Merit Board Public Safety
2 Fund;

3 (C) \$4 into the Drivers Education Fund;

4 (D) \$20 into the Traffic and Criminal Conviction
5 Surcharge Fund;

6 (E) \$4 into the Law Enforcement Camera Grant Fund; and

7 (F) \$3 into the Violent Crime Victims Assistance Fund.

8 (3) As the arresting agency's portion, \$12, to the
9 treasurer of the unit of local government of the arresting
10 agency, who shall deposit the money as follows:

11 (A) \$2 into the E-citation Fund of that unit of local
12 government or as provided in subsection (c) of Section 10-5
13 of this Act if the arresting agency is a State agency,
14 unless more than one agency is responsible for the arrest
15 in which case the amount shall be remitted to each unit of
16 government equally.

17 (B) \$10 into the General Fund of that unit of local
18 government or as provided in subsection (c) of Section 10-5
19 of this Act if the arresting agency is a State agency,
20 unless more than one agency is responsible for the arrest
21 in which case the amount shall be remitted to each unit of
22 government equally.

23 (Source: P.A. 100-987, eff. 7-1-19.)

24 (705 ILCS 135/15-52)

25 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 15-52. SCHEDULE 10.5; truck weight and load offenses.

4 SCHEDULE 10.5: For offenses ~~an offense~~ under ~~paragraph (1),~~
5 ~~(2), or (3)~~ of subsection (d) of Section 3-401, ~~or~~ Section
6 15-111, or punishable by fine under Section 15-113.1, 15-113.2,
7 or 15-113.3 of the Illinois Vehicle Code, the Clerk of the
8 Circuit Court shall collect \$260 and remit as follows:

9 (1) As the county's portion, \$168 to the county treasurer,
10 who shall deposit the money as follows:

11 (A) \$20 into the Court Automation Fund;

12 (B) \$20 into the Court Document Storage Fund;

13 (C) \$5 into the Circuit Court Clerk Operation and
14 Administrative Fund;

15 (D) \$8 into the Circuit Court Clerk Electronic Citation
16 Fund; and

17 (E) \$115 into the county's General Fund.

18 (2) As the State's portion, \$92 to the State Treasurer, who
19 shall deposit the money as follows:

20 (A) \$31 into the State Police Merit Board Public Safety
21 Fund, regardless of the type of overweight citation or
22 arresting law enforcement agency;

23 (B) \$31 into the Traffic and Criminal Conviction
24 Surcharge Fund; and

25 (C) \$30 to the State Police Operations Assistance Fund.

26 (Source: P.A. 100-987, eff. 7-1-19.)

1 (705 ILCS 135/15-60)

2 (This Section may contain text from a Public Act with a
3 delayed effective date)

4 (Section scheduled to be repealed on January 1, 2021)

5 Sec. 15-60. SCHEDULE 12; dispositions under Supreme Court
6 Rule 529.

7 SCHEDULE 12: For a disposition under paragraph (a)(1) or
8 (c) of Supreme Court Rule 529, the Clerk of the Circuit Court
9 shall collect \$164 and remit the money as follows:

10 (1) As the county's portion, \$100, to the county treasurer,
11 who shall deposit the money as follows:

12 (A) \$20 into the Court Automation Fund;

13 (B) \$20 into the Court Document Storage Fund;

14 (C) \$5 into the Circuit Court Clerk Operation and
15 Administrative Fund;

16 (D) \$8 into the Circuit Court Clerk Electronic Citation
17 Fund; and

18 (E) \$47 into the county's General Fund.

19 (2) As the State's portion, \$14 to the State Treasurer, who
20 shall deposit the money as follows:

21 (A) \$3 into the Drivers Education Fund;

22 (B) \$2 into the State Police Merit Board Public Safety
23 Fund;

24 (C) \$4 into the Traffic and Criminal Conviction
25 Surcharge Fund;

1 (D) \$1 into the Law Enforcement Camera Grant Fund; and

2 (E) \$4 into the Violent Crime Victims Assistance Fund.

3 (3) As the arresting agency's portion, \$50 as follows,
4 unless more than one agency is responsible for the arrest in
5 which case the amount shall be remitted to each unit of
6 government equally:

7 (A) if the arresting agency is a local agency to the
8 treasurer of the unit of local government of the arresting
9 agency, who shall deposit the money as follows:

10 (i) \$2 into the E-citation Fund of the unit of
11 local government; and

12 (ii) \$48 into the General Fund of the unit of local
13 government; or

14 (B) as provided in subsection (c) of Section 10-5 of
15 this Act if the arresting agency is a State agency.

16 (Source: P.A. 100-987, eff. 7-1-19.)

17 (705 ILCS 135/15-70)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

20 (Section scheduled to be repealed on January 1, 2021)

21 Sec. 15-70. Conditional assessments. In addition to
22 payments under one of the Schedule of Assessments 1 through 13
23 of this Act, the court shall also order payment of any of the
24 following conditional assessment amounts for each sentenced
25 violation in the case to which a conditional assessment is

1 applicable, which shall be collected and remitted by the Clerk
2 of the Circuit Court as provided in this Section:

3 (1) arson, residential arson, or aggravated arson,
4 \$500 per conviction to the State Treasurer for deposit into
5 the Fire Prevention Fund;

6 (2) child pornography under Section 11-20.1 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, \$500
8 per conviction, unless more than one agency is responsible
9 for the arrest in which case the amount shall be remitted
10 to each unit of government equally:

11 (A) if the arresting agency is an agency of a unit
12 of local government, \$500 to the treasurer of the unit
13 of local government for deposit into the unit of local
14 government's General Fund, except that if the
15 Department of State Police provides digital or
16 electronic forensic examination assistance, or both,
17 to the arresting agency then \$100 to the State
18 Treasurer for deposit into the State Crime Laboratory
19 Fund; or

20 (B) if the arresting agency is the Department of
21 State Police, \$500 ~~remitted~~ to the State Treasurer for
22 deposit into the State Crime Laboratory Fund;

23 (3) crime laboratory drug analysis for a drug-related
24 offense involving possession or delivery of cannabis or
25 possession or delivery of a controlled substance as defined
26 in the Cannabis Control Act, the Illinois Controlled

1 Substances Act, or the Methamphetamine Control and
2 Community Protection Act, \$100 reimbursement for
3 laboratory analysis, as set forth in subsection (f) of
4 Section 5-9-1.4 of the Unified Code of Corrections;

5 (4) DNA analysis, \$250 on each conviction in which it
6 was used to the State Treasurer for deposit into the State
7 Offender DNA Identification System Fund as set forth in
8 Section 5-4-3 of the Unified Code of Corrections;

9 (5) DUI analysis, \$150 on each sentenced violation in
10 which it was used as set forth in subsection (f) of Section
11 5-9-1.9 of the Unified Code of Corrections;

12 (6) drug-related offense involving possession or
13 delivery of cannabis or possession or delivery of a
14 controlled substance, other than methamphetamine, as
15 defined in the Cannabis Control Act or the Illinois
16 Controlled Substances Act, an amount not less than the full
17 street value of the cannabis or controlled substance seized
18 for each conviction to be disbursed as follows:

19 (A) 12.5% of the street value assessment shall be
20 paid into the Youth Drug Abuse Prevention Fund, to be
21 used by the Department of Human Services for the
22 funding of programs and services for drug-abuse
23 treatment, and prevention and education services;

24 (B) 37.5% to the county in which the charge was
25 prosecuted, to be deposited into the county General
26 Fund;

1 (C) 50% to the treasurer of the arresting law
2 enforcement agency of the municipality or county, or to
3 the State Treasurer if the arresting agency was a state
4 agency;

5 (D) if the arrest was made in combination with
6 multiple law enforcement agencies, the clerk shall
7 equitably allocate the portion in subparagraph (C) of
8 this paragraph (6) among the law enforcement agencies
9 involved in the arrest;

10 (6.5) Kane County or Will County, in felony,
11 misdemeanor, local or county ordinance, traffic, or
12 conservation cases, up to \$30 as set by the county board
13 under Section 5-1101.3 of the Counties Code upon the entry
14 of a judgment of conviction, an order of supervision, or a
15 sentence of probation without entry of judgment under
16 Section 10 of the Cannabis Control Act, Section 410 of the
17 Illinois Controlled Substances Act, Section 70 of the
18 Methamphetamine Control and Community Protection Act,
19 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
20 the Criminal Code of 1961 or the Criminal Code of 2012,
21 Section 10-102 of the Illinois Alcoholism and Other Drug
22 Dependency Act, or Section 10 of the Steroid Control Act;
23 except in local or county ordinance, traffic, and
24 conservation cases, if fines are paid in full without a
25 court appearance, then the assessment shall not be imposed
26 or collected. Distribution of assessments collected under

1 this paragraph (6.5) shall be as provided in Section
2 5-1101.3 of the Counties Code;

3 (7) methamphetamine-related offense involving
4 possession or delivery of methamphetamine or any salt of an
5 optical isomer of methamphetamine or possession of a
6 methamphetamine manufacturing material as set forth in
7 Section 10 of the Methamphetamine Control and Community
8 Protection Act with the intent to manufacture a substance
9 containing methamphetamine or salt of an optical isomer of
10 methamphetamine, an amount not less than the full street
11 value of the methamphetamine or salt of an optical isomer
12 of methamphetamine or methamphetamine manufacturing
13 materials seized for each conviction to be disbursed as
14 follows:

15 (A) 12.5% of the street value assessment shall be
16 paid into the Youth Drug Abuse Prevention Fund, to be
17 used by the Department of Human Services for the
18 funding of programs and services for drug-abuse
19 treatment, and prevention and education services;

20 (B) 37.5% to the county in which the charge was
21 prosecuted, to be deposited into the county General
22 Fund;

23 (C) 50% to the treasurer of the arresting law
24 enforcement agency of the municipality or county, or to
25 the State Treasurer if the arresting agency was a state
26 agency;

1 (D) if the arrest was made in combination with
2 multiple law enforcement agencies, the clerk shall
3 equitably allocate the portion in subparagraph (C) of
4 this paragraph (6) among the law enforcement agencies
5 involved in the arrest;

6 (8) order of protection violation under Section 12-3.4
7 of the Criminal Code of 2012, \$200 for each conviction to
8 the county treasurer for deposit into the Probation and
9 Court Services Fund for implementation of a domestic
10 violence surveillance program and any other assessments or
11 fees imposed under Section 5-9-1.16 of the Unified Code of
12 Corrections;

13 (9) order of protection violation, \$25 for each
14 violation to the State Treasurer, for deposit into the
15 Domestic Violence Abuser Services Fund;

16 (10) prosecution by the State's Attorney of a:

17 (A) petty or business offense, \$4 to the county
18 treasurer of which \$2 deposited into the State's
19 Attorney Records Automation Fund and \$2 into the Public
20 Defender Records Automation Fund;

21 (B) conservation or traffic offense, \$2 to the
22 county treasurer for deposit into the State's Attorney
23 Records Automation Fund;

24 (11) speeding in a construction zone violation, \$250 to
25 the State Treasurer for deposit into the Transportation
26 Safety Highway Hire-back Fund, unless (i) the violation

1 occurred on a highway other than an interstate highway and
2 (ii) a county police officer wrote the ticket for the
3 violation, in which case to the county treasurer for
4 deposit into that county's Transportation Safety Highway
5 Hire-back Fund;

6 (12) supervision disposition on an offense under the
7 Illinois Vehicle Code or similar provision of a local
8 ordinance, 50 cents, unless waived by the court, into the
9 Prisoner Review Board Vehicle and Equipment Fund;

10 (13) victim and offender are family or household
11 members as defined in Section 103 of the Illinois Domestic
12 Violence Act of 1986 and offender pleads guilty or no
13 contest to or is convicted of murder, voluntary
14 manslaughter, involuntary manslaughter, burglary,
15 residential burglary, criminal trespass to residence,
16 criminal trespass to vehicle, criminal trespass to land,
17 criminal damage to property, telephone harassment,
18 kidnapping, aggravated kidnaping, unlawful restraint,
19 forcible detention, child abduction, indecent solicitation
20 of a child, sexual relations between siblings,
21 exploitation of a child, child pornography, assault,
22 aggravated assault, battery, aggravated battery, heinous
23 battery, aggravated battery of a child, domestic battery,
24 reckless conduct, intimidation, criminal sexual assault,
25 predatory criminal sexual assault of a child, aggravated
26 criminal sexual assault, criminal sexual abuse, aggravated

1 criminal sexual abuse, violation of an order of protection,
2 disorderly conduct, endangering the life or health of a
3 child, child abandonment, contributing to dependency or
4 neglect of child, or cruelty to children and others, \$200
5 for each sentenced violation to the State Treasurer for
6 deposit as follows: (i) for sexual assault, as defined in
7 Section 5-9-1.7 of the Unified Code of Corrections, when
8 the offender and victim are family members, one-half to the
9 Domestic Violence Shelter and Service Fund, and one-half to
10 the Sexual Assault Services Fund; (ii) for the remaining
11 offenses to the Domestic Violence Shelter and Service Fund;

12 (14) violation of Section 11-501 of the Illinois
13 Vehicle Code, Section 5-7 of the Snowmobile Registration
14 and Safety Act, Section 5-16 of the Boat Registration and
15 Safety Act, or a similar provision, whose operation of a
16 motor vehicle, snowmobile, or watercraft while in
17 violation of Section 11-501, Section 5-7 of the Snowmobile
18 Registration and Safety Act, Section 5-16 of the Boat
19 Registration and Safety Act, or a similar provision
20 proximately caused an incident resulting in an appropriate
21 emergency response, \$1,000 maximum to the public agency
22 that provided an emergency response related to the person's
23 violation, and if more than one agency responded, the
24 amount payable to public agencies shall be shared equally;

25 (15) violation of Section 401, 407, or 407.2 of the
26 Illinois Controlled Substances Act that proximately caused

1 any incident resulting in an appropriate drug-related
2 emergency response, \$1,000 as reimbursement for the
3 emergency response to the law enforcement agency that made
4 the arrest, and if more than one agency is responsible for
5 the arrest, the amount payable to law enforcement agencies
6 shall be shared equally;

7 (16) violation of reckless driving, aggravated
8 reckless driving, or driving 26 miles per hour or more in
9 excess of the speed limit that triggered an emergency
10 response, \$1,000 maximum reimbursement for the emergency
11 response to be distributed in its entirety to a public
12 agency that provided an emergency response related to the
13 person's violation, and if more than one agency responded,
14 the amount payable to public agencies shall be shared
15 equally;

16 (17) violation based upon each plea of guilty,
17 stipulation of facts, or finding of guilt resulting in a
18 judgment of conviction or order of supervision for an
19 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
20 the Criminal Code of 2012 that results in the imposition of
21 a fine, to be distributed as follows:

22 (A) \$50 to the county treasurer for deposit into
23 the Circuit Court Clerk Operation and Administrative
24 Fund to cover the costs in administering this paragraph
25 (17);

26 (B) \$300 to the State Treasurer who shall deposit

1 the portion as follows:

2 (i) if the arresting or investigating agency
3 is the Department of State Police, into the State
4 Police Law Enforcement Administration Operations
5 ~~Assistance~~ Fund;

6 (ii) if the arresting or investigating agency
7 is the Department of Natural Resources, into the
8 Conservation Police Operations Assistance Fund;

9 (iii) if the arresting or investigating agency
10 is the Secretary of State, into the Secretary of
11 State Police Services Fund;

12 (iv) if the arresting or investigating agency
13 is the Illinois Commerce Commission, into the
14 Public Utility Fund; or

15 (v) if more than one of the State agencies in
16 this subparagraph (B) is the arresting or
17 investigating agency, then equal shares with the
18 shares deposited as provided in the applicable
19 items (i) through (iv) of this subparagraph (B);
20 and

21 (C) the remainder for deposit into the Specialized
22 Services for Survivors of Human Trafficking Fund; and

23 (18) weapons violation under Section 24-1.1, 24-1.2,
24 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
25 of 2012, \$100 for each conviction to the State Treasurer
26 for deposit into the Trauma Center Fund.

1 (Source: P.A. 100-987, eff. 7-1-19.)

2 Section 20. The Unified Code of Corrections is amended by
3 changing Sections 5-4.5-50, 5-4.5-55, 5-4.5-60, 5-4.5-65,
4 5-4.5-75, 5-4.5-80, and 5-9-1.9 as follows:

5 (730 ILCS 5/5-4.5-50)

6 (Text of Section before amendment by P.A. 100-987)

7 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
8 as otherwise provided, for all felonies:

9 (a) NO SUPERVISION. The court, upon a plea of guilty or a
10 stipulation by the defendant of the facts supporting the charge
11 or a finding of guilt, may not defer further proceedings and
12 the imposition of a sentence and may not enter an order for
13 supervision of the defendant.

14 (b) FELONY FINES. An offender may be sentenced to pay a
15 fine not to exceed, for each offense, \$25,000 or the amount
16 specified in the offense, whichever is greater, or if the
17 offender is a corporation, \$50,000 or the amount specified in
18 the offense, whichever is greater. A fine may be imposed in
19 addition to a sentence of conditional discharge, probation,
20 periodic imprisonment, or imprisonment. See Article 9 of
21 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
22 additional amounts and determination of amounts and payment.

23 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
24 each felony conviction shall set forth his or her reasons for

1 imposing the particular sentence entered in the case, as
2 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
3 include any mitigating or aggravating factors specified in this
4 Code, or the lack of any such factors, as well as any other
5 mitigating or aggravating factors that the judge sets forth on
6 the record that are consistent with the purposes and principles
7 of sentencing set out in this Code.

8 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
9 sentence may be made, or the court may reduce a sentence
10 without motion, within 30 days after the sentence is imposed. A
11 defendant's challenge to the correctness of a sentence or to
12 any aspect of the sentencing hearing shall be made by a written
13 motion filed with the circuit court clerk within 30 days
14 following the imposition of sentence. A motion not filed within
15 that 30-day period is not timely. The court may not increase a
16 sentence once it is imposed. A notice of motion must be filed
17 with the motion. The notice of motion shall set the motion on
18 the court's calendar on a date certain within a reasonable time
19 after the date of filing.

20 If a motion filed pursuant to this subsection is timely
21 filed, the proponent of the motion shall exercise due diligence
22 in seeking a determination on the motion and the court shall
23 thereafter decide the motion within a reasonable time.

24 If a motion filed pursuant to this subsection is timely
25 filed, then for purposes of perfecting an appeal, a final
26 judgment is not considered to have been entered until the

1 motion to reduce the sentence has been decided by order entered
2 by the trial court.

3 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
4 OTHER-STATE SENTENCE. A defendant who has a previous and
5 unexpired sentence of imprisonment imposed by another state or
6 by any district court of the United States and who, after
7 sentence for a crime in Illinois, must return to serve the
8 unexpired prior sentence may have his or her sentence by the
9 Illinois court ordered to be concurrent with the prior
10 other-state or federal sentence. The court may order that any
11 time served on the unexpired portion of the other-state or
12 federal sentence, prior to his or her return to Illinois, shall
13 be credited on his or her Illinois sentence. The appropriate
14 official of the other state or the United States shall be
15 furnished with a copy of the order imposing sentence, which
16 shall provide that, when the offender is released from
17 other-state or federal confinement, whether by parole or by
18 termination of sentence, the offender shall be transferred by
19 the Sheriff of the committing Illinois county to the Illinois
20 Department of Corrections. The court shall cause the Department
21 of Corrections to be notified of the sentence at the time of
22 commitment and to be provided with copies of all records
23 regarding the sentence.

24 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
25 defendant who has a previous and unexpired sentence of
26 imprisonment imposed by an Illinois circuit court for a crime

1 in this State and who is subsequently sentenced to a term of
2 imprisonment by another state or by any district court of the
3 United States and who has served a term of imprisonment imposed
4 by the other state or district court of the United States, and
5 must return to serve the unexpired prior sentence imposed by
6 the Illinois circuit court, may apply to the Illinois circuit
7 court that imposed sentence to have his or her sentence
8 reduced.

9 The circuit court may order that any time served on the
10 sentence imposed by the other state or district court of the
11 United States be credited on his or her Illinois sentence. The
12 application for reduction of a sentence under this subsection
13 shall be made within 30 days after the defendant has completed
14 the sentence imposed by the other state or district court of
15 the United States.

16 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
17 sentence or disposition that requires the defendant to be
18 implanted or injected with or to use any form of birth control.
19 (Source: P.A. 95-1052, eff. 7-1-09.)

20 (Text of Section after amendment by P.A. 100-987)

21 Sec. 5-4.5-50. SENTENCE PROVISIONS; ALL FELONIES. Except
22 as otherwise provided, for all felonies:

23 (a) NO SUPERVISION. The court, upon a plea of guilty or a
24 stipulation by the defendant of the facts supporting the charge
25 or a finding of guilt, may not defer further proceedings and

1 the imposition of a sentence and may not enter an order for
2 supervision of the defendant.

3 (b) FELONY FINES. Unless otherwise specified by law, the
4 minimum fine is \$75 ~~\$25~~. An offender may be sentenced to pay a
5 fine not to exceed, for each offense, \$25,000 or the amount
6 specified in the offense, whichever is greater, or if the
7 offender is a corporation, \$50,000 or the amount specified in
8 the offense, whichever is greater. A fine may be imposed in
9 addition to a sentence of conditional discharge, probation,
10 periodic imprisonment, or imprisonment. See Article 9 of
11 Chapter V (730 ILCS 5/Ch. V, Art. 9) for imposition of
12 additional amounts and determination of amounts and payment. If
13 the court finds that the fine would impose an undue burden on
14 the victim, the court may reduce or waive the fine.

15 (c) REASONS FOR SENTENCE STATED. The sentencing judge in
16 each felony conviction shall set forth his or her reasons for
17 imposing the particular sentence entered in the case, as
18 provided in Section 5-4-1 (730 ILCS 5/5-4-1). Those reasons may
19 include any mitigating or aggravating factors specified in this
20 Code, or the lack of any such factors, as well as any other
21 mitigating or aggravating factors that the judge sets forth on
22 the record that are consistent with the purposes and principles
23 of sentencing set out in this Code.

24 (d) MOTION TO REDUCE SENTENCE. A motion to reduce a
25 sentence may be made, or the court may reduce a sentence
26 without motion, within 30 days after the sentence is imposed. A

1 defendant's challenge to the correctness of a sentence or to
2 any aspect of the sentencing hearing shall be made by a written
3 motion filed with the circuit court clerk within 30 days
4 following the imposition of sentence. A motion not filed within
5 that 30-day period is not timely. The court may not increase a
6 sentence once it is imposed. A notice of motion must be filed
7 with the motion. The notice of motion shall set the motion on
8 the court's calendar on a date certain within a reasonable time
9 after the date of filing.

10 If a motion filed pursuant to this subsection is timely
11 filed, the proponent of the motion shall exercise due diligence
12 in seeking a determination on the motion and the court shall
13 thereafter decide the motion within a reasonable time.

14 If a motion filed pursuant to this subsection is timely
15 filed, then for purposes of perfecting an appeal, a final
16 judgment is not considered to have been entered until the
17 motion to reduce the sentence has been decided by order entered
18 by the trial court.

19 (e) CONCURRENT SENTENCE; PREVIOUS UNEXPIRED FEDERAL OR
20 OTHER-STATE SENTENCE. A defendant who has a previous and
21 unexpired sentence of imprisonment imposed by another state or
22 by any district court of the United States and who, after
23 sentence for a crime in Illinois, must return to serve the
24 unexpired prior sentence may have his or her sentence by the
25 Illinois court ordered to be concurrent with the prior
26 other-state or federal sentence. The court may order that any

1 time served on the unexpired portion of the other-state or
2 federal sentence, prior to his or her return to Illinois, shall
3 be credited on his or her Illinois sentence. The appropriate
4 official of the other state or the United States shall be
5 furnished with a copy of the order imposing sentence, which
6 shall provide that, when the offender is released from
7 other-state or federal confinement, whether by parole or by
8 termination of sentence, the offender shall be transferred by
9 the Sheriff of the committing Illinois county to the Illinois
10 Department of Corrections. The court shall cause the Department
11 of Corrections to be notified of the sentence at the time of
12 commitment and to be provided with copies of all records
13 regarding the sentence.

14 (f) REDUCTION; PREVIOUS UNEXPIRED ILLINOIS SENTENCE. A
15 defendant who has a previous and unexpired sentence of
16 imprisonment imposed by an Illinois circuit court for a crime
17 in this State and who is subsequently sentenced to a term of
18 imprisonment by another state or by any district court of the
19 United States and who has served a term of imprisonment imposed
20 by the other state or district court of the United States, and
21 must return to serve the unexpired prior sentence imposed by
22 the Illinois circuit court, may apply to the Illinois circuit
23 court that imposed sentence to have his or her sentence
24 reduced.

25 The circuit court may order that any time served on the
26 sentence imposed by the other state or district court of the

1 United States be credited on his or her Illinois sentence. The
2 application for reduction of a sentence under this subsection
3 shall be made within 30 days after the defendant has completed
4 the sentence imposed by the other state or district court of
5 the United States.

6 (g) NO REQUIRED BIRTH CONTROL. A court may not impose a
7 sentence or disposition that requires the defendant to be
8 implanted or injected with or to use any form of birth control.
9 (Source: P.A. 100-987, eff. 7-1-19.)

10 (730 ILCS 5/5-4.5-55)

11 (Text of Section before amendment by P.A. 100-987)

12 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
13 A misdemeanor:

14 (a) TERM. The sentence of imprisonment shall be a
15 determinate sentence of less than one year.

16 (b) PERIODIC IMPRISONMENT. A sentence of periodic
17 imprisonment shall be for a definite term of less than one
18 year, except as otherwise provided in Section 5-5-3 or 5-7-1
19 (730 ILCS 5/5-5-3 or 5/5-7-1).

20 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
21 5/5-8-1.2) concerning eligibility for the county impact
22 incarceration program.

23 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
24 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
25 period of probation or conditional discharge shall not exceed 2

1 years. The court shall specify the conditions of probation or
2 conditional discharge as set forth in Section 5-6-3 (730 ILCS
3 5/5-6-3).

4 (e) FINE. A fine not to exceed \$2,500 for each offense or
5 the amount specified in the offense, whichever is greater, may
6 be imposed. A fine may be imposed in addition to a sentence of
7 conditional discharge, probation, periodic imprisonment, or
8 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
9 Art. 9) for imposition of additional amounts and determination
10 of amounts and payment.

11 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
12 concerning restitution.

13 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
14 be concurrent or consecutive as provided in Section 5-8-4 (730
15 ILCS 5/5-8-4).

16 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
17 Act (730 ILCS 166/20) concerning eligibility for a drug court
18 program.

19 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
20 ILCS 5/5-4.5-100) concerning credit for time spent in home
21 detention prior to judgment.

22 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
23 Behavior Allowance Act (730 ILCS 130/) for rules and
24 regulations for good behavior allowance.

25 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
26 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for

1 electronic monitoring and home detention.

2 (Source: P.A. 100-431, eff. 8-25-17.)

3 (Text of Section after amendment by P.A. 100-987)

4 Sec. 5-4.5-55. CLASS A MISDEMEANORS; SENTENCE. For a Class
5 A misdemeanor:

6 (a) TERM. The sentence of imprisonment shall be a
7 determinate sentence of less than one year.

8 (b) PERIODIC IMPRISONMENT. A sentence of periodic
9 imprisonment shall be for a definite term of less than one
10 year, except as otherwise provided in Section 5-5-3 or 5-7-1
11 (730 ILCS 5/5-5-3 or 5/5-7-1).

12 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
13 5/5-8-1.2) concerning eligibility for the county impact
14 incarceration program.

15 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
16 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
17 period of probation or conditional discharge shall not exceed 2
18 years. The court shall specify the conditions of probation or
19 conditional discharge as set forth in Section 5-6-3 (730 ILCS
20 5/5-6-3).

21 (e) FINE. Unless otherwise specified by law, the minimum
22 fine is \$75 ~~\$25~~. A fine not to exceed \$2,500 for each offense
23 or the amount specified in the offense, whichever is greater,
24 may be imposed. A fine may be imposed in addition to a sentence
25 of conditional discharge, probation, periodic imprisonment, or

1 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
2 Art. 9) for imposition of additional amounts and determination
3 of amounts and payment. If the court finds that the fine would
4 impose an undue burden on the victim, the court may reduce or
5 waive the fine.

6 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
7 concerning restitution.

8 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
9 be concurrent or consecutive as provided in Section 5-8-4 (730
10 ILCS 5/5-8-4).

11 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
12 Act (730 ILCS 166/20) concerning eligibility for a drug court
13 program.

14 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
15 ILCS 5/5-4.5-100) concerning credit for time spent in home
16 detention prior to judgment.

17 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
18 Behavior Allowance Act (730 ILCS 130/) for rules and
19 regulations for good behavior allowance.

20 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
21 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
22 electronic monitoring and home detention.

23 (Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19.)

24 (730 ILCS 5/5-4.5-60)

25 (Text of Section before amendment by P.A. 100-987)

1 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
2 B misdemeanor:

3 (a) TERM. The sentence of imprisonment shall be a
4 determinate sentence of not more than 6 months.

5 (b) PERIODIC IMPRISONMENT. A sentence of periodic
6 imprisonment shall be for a definite term of up to 6 months or
7 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

8 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
9 5/5-8-1.2) concerning eligibility for the county impact
10 incarceration program.

11 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
12 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
13 conditional discharge shall not exceed 2 years. The court shall
14 specify the conditions of probation or conditional discharge as
15 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

16 (e) FINE. A fine not to exceed \$1,500 for each offense or
17 the amount specified in the offense, whichever is greater, may
18 be imposed. A fine may be imposed in addition to a sentence of
19 conditional discharge, probation, periodic imprisonment, or
20 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
21 Art. 9) for imposition of additional amounts and determination
22 of amounts and payment.

23 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
24 concerning restitution.

25 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
26 be concurrent or consecutive as provided in Section 5-8-4 (730

1 ILCS 5/5-8-4).

2 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
3 Act (730 ILCS 166/20) concerning eligibility for a drug court
4 program.

5 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
6 ILCS 5/5-4.5-100) concerning credit for time spent in home
7 detention prior to judgment.

8 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
9 Behavior Allowance Act (730 ILCS 130/) for rules and
10 regulations for good behavior allowance.

11 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
12 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
13 electronic monitoring and home detention.

14 (Source: P.A. 100-431, eff. 8-25-17.)

15 (Text of Section after amendment by P.A. 100-987)

16 Sec. 5-4.5-60. CLASS B MISDEMEANORS; SENTENCE. For a Class
17 B misdemeanor:

18 (a) TERM. The sentence of imprisonment shall be a
19 determinate sentence of not more than 6 months.

20 (b) PERIODIC IMPRISONMENT. A sentence of periodic
21 imprisonment shall be for a definite term of up to 6 months or
22 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

23 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
24 5/5-8-1.2) concerning eligibility for the county impact
25 incarceration program.

1 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
2 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
3 conditional discharge shall not exceed 2 years. The court shall
4 specify the conditions of probation or conditional discharge as
5 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

6 (e) FINE. Unless otherwise specified by law, the minimum
7 fine is \$75 ~~\$25~~. A fine not to exceed \$1,500 for each offense
8 or the amount specified in the offense, whichever is greater,
9 may be imposed. A fine may be imposed in addition to a sentence
10 of conditional discharge, probation, periodic imprisonment, or
11 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
12 Art. 9) for imposition of additional amounts and determination
13 of amounts and payment. If the court finds that the fine would
14 impose an undue burden on the victim, the court may reduce or
15 waive the fine.

16 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
17 concerning restitution.

18 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
19 be concurrent or consecutive as provided in Section 5-8-4 (730
20 ILCS 5/5-8-4).

21 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
22 Act (730 ILCS 166/20) concerning eligibility for a drug court
23 program.

24 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
25 ILCS 5/5-4.5-100) concerning credit for time spent in home
26 detention prior to judgment.

1 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
2 Behavior Allowance Act (730 ILCS 130/) for rules and
3 regulations for good behavior allowance.

4 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
5 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
6 electronic monitoring and home detention.

7 (Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19.)

8 (730 ILCS 5/5-4.5-65)

9 (Text of Section before amendment by P.A. 100-987)

10 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
11 C misdemeanor:

12 (a) TERM. The sentence of imprisonment shall be a
13 determinate sentence of not more than 30 days.

14 (b) PERIODIC IMPRISONMENT. A sentence of periodic
15 imprisonment shall be for a definite term of up to 30 days or
16 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

17 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
18 5/5-8-1.2) concerning eligibility for the county impact
19 incarceration program.

20 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
21 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
22 conditional discharge shall not exceed 2 years. The court shall
23 specify the conditions of probation or conditional discharge as
24 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

25 (e) FINE. A fine not to exceed \$1,500 for each offense or

1 the amount specified in the offense, whichever is greater, may
2 be imposed. A fine may be imposed in addition to a sentence of
3 conditional discharge, probation, periodic imprisonment, or
4 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
5 Art. 9) for imposition of additional amounts and determination
6 of amounts and payment.

7 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
8 concerning restitution.

9 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
10 be concurrent or consecutive as provided in Section 5-8-4 (730
11 ILCS 5/5-8-4).

12 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
13 Act (730 ILCS 166/20) concerning eligibility for a drug court
14 program.

15 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
16 ILCS 5/5-4.5-100) concerning credit for time spent in home
17 detention prior to judgment.

18 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
19 Behavior Allowance Act (730 ILCS 130/) for rules and
20 regulations for good behavior allowance.

21 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
22 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
23 electronic monitoring and home detention.

24 (Source: P.A. 100-431, eff. 8-25-17.)

25 (Text of Section after amendment by P.A. 100-987)

1 Sec. 5-4.5-65. CLASS C MISDEMEANORS; SENTENCE. For a Class
2 C misdemeanor:

3 (a) TERM. The sentence of imprisonment shall be a
4 determinate sentence of not more than 30 days.

5 (b) PERIODIC IMPRISONMENT. A sentence of periodic
6 imprisonment shall be for a definite term of up to 30 days or
7 as otherwise provided in Section 5-7-1 (730 ILCS 5/5-7-1).

8 (c) IMPACT INCARCERATION. See Section 5-8-1.2 (730 ILCS
9 5/5-8-1.2) concerning eligibility for the county impact
10 incarceration program.

11 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
12 in Section 5-6-2 (730 ILCS 5/5-6-2), the period of probation or
13 conditional discharge shall not exceed 2 years. The court shall
14 specify the conditions of probation or conditional discharge as
15 set forth in Section 5-6-3 (730 ILCS 5/5-6-3).

16 (e) FINE. Unless otherwise specified by law, the minimum
17 fine is \$75 ~~\$25~~. A fine not to exceed \$1,500 for each offense
18 or the amount specified in the offense, whichever is greater,
19 may be imposed. A fine may be imposed in addition to a sentence
20 of conditional discharge, probation, periodic imprisonment, or
21 imprisonment. See Article 9 of Chapter V (730 ILCS 5/Ch. V,
22 Art. 9) for imposition of additional amounts and determination
23 of amounts and payment. If the court finds that the fine would
24 impose an undue burden on the victim, the court may reduce or
25 waive the fine.

26 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)

1 concerning restitution.

2 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
3 be concurrent or consecutive as provided in Section 5-8-4 (730
4 ILCS 5/5-8-4).

5 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
6 Act (730 ILCS 166/20) concerning eligibility for a drug court
7 program.

8 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
9 ILCS 5/5-4.5-100) concerning credit for time spent in home
10 detention prior to judgment.

11 (j) GOOD BEHAVIOR ALLOWANCE. See the County Jail Good
12 Behavior Allowance Act (730 ILCS 130/) for rules and
13 regulations for good behavior allowance.

14 (k) ELECTRONIC MONITORING AND HOME DETENTION. See Section
15 5-8A-3 (730 ILCS 5/5-8A-3) concerning eligibility for
16 electronic monitoring and home detention.

17 (Source: P.A. 100-431, eff. 8-25-17; 100-987, eff. 7-1-19.)

18 (730 ILCS 5/5-4.5-75)

19 (Text of Section before amendment by P.A. 100-987)

20 Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as
21 otherwise provided, for a petty offense:

22 (a) FINE. A defendant may be sentenced to pay a fine not to
23 exceed \$1,000 for each offense or the amount specified in the
24 offense, whichever is less. A fine may be imposed in addition
25 to a sentence of conditional discharge or probation. See

1 Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for
2 imposition of additional amounts and determination of amounts
3 and payment.

4 (b) PROBATION; CONDITIONAL DISCHARGE. Except as provided
5 in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be
6 sentenced to a period of probation or conditional discharge not
7 to exceed 6 months. The court shall specify the conditions of
8 probation or conditional discharge as set forth in Section
9 5-6-3 (730 ILCS 5/5-6-3).

10 (c) RESTITUTION. A defendant may be sentenced to make
11 restitution to the victim under Section 5-5-6 (730 ILCS
12 5/5-5-6).

13 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
14 a stipulation by the defendant of the facts supporting the
15 charge or a finding of guilt, may defer further proceedings and
16 the imposition of a sentence and may enter an order for
17 supervision of the defendant. If the defendant is not barred
18 from receiving an order for supervision under Section 5-6-1
19 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
20 for supervision after considering the circumstances of the
21 offense, and the history, character, and condition of the
22 offender, if the court is of the opinion that:

23 (1) the defendant is not likely to commit further
24 crimes;

25 (2) the defendant and the public would be best served
26 if the defendant were not to receive a criminal record; and

1 (3) in the best interests of justice, an order of
2 supervision is more appropriate than a sentence otherwise
3 permitted under this Code.

4 (e) SUPERVISION; PERIOD. When a defendant is placed on
5 supervision, the court shall enter an order for supervision
6 specifying the period of supervision, and shall defer further
7 proceedings in the case until the conclusion of the period. The
8 period of supervision shall be reasonable under all of the
9 circumstances of the case, and except as otherwise provided,
10 may not be longer than 2 years. The court shall specify the
11 conditions of supervision as set forth in Section 5-6-3.1 (730
12 ILCS 5/5-6-3.1).

13 (Source: P.A. 95-1052, eff. 7-1-09.)

14 (Text of Section after amendment by P.A. 100-987)

15 Sec. 5-4.5-75. PETTY OFFENSES; SENTENCE. Except as
16 otherwise provided, for a petty offense:

17 (a) FINE. Unless otherwise specified by law, the minimum
18 fine is \$75 ~~\$25~~. A defendant may be sentenced to pay a fine not
19 to exceed \$1,000 for each offense or the amount specified in
20 the offense, whichever is less. A fine may be imposed in
21 addition to a sentence of conditional discharge or probation.
22 See Article 9 of Chapter V (730 ILCS 5/Ch. V, Art. 9) for
23 imposition of additional amounts and determination of amounts
24 and payment. If the court finds that the fine would impose an
25 undue burden on the victim, the court may reduce or waive the

1 fine.

2 (b) PROBATION; CONDITIONAL DISCHARGE. Except as provided
3 in Section 5-6-2 (730 ILCS 5/5-6-2), a defendant may be
4 sentenced to a period of probation or conditional discharge not
5 to exceed 6 months. The court shall specify the conditions of
6 probation or conditional discharge as set forth in Section
7 5-6-3 (730 ILCS 5/5-6-3).

8 (c) RESTITUTION. A defendant may be sentenced to make
9 restitution to the victim under Section 5-5-6 (730 ILCS
10 5/5-5-6).

11 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
12 a stipulation by the defendant of the facts supporting the
13 charge or a finding of guilt, may defer further proceedings and
14 the imposition of a sentence and may enter an order for
15 supervision of the defendant. If the defendant is not barred
16 from receiving an order for supervision under Section 5-6-1
17 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
18 for supervision after considering the circumstances of the
19 offense, and the history, character, and condition of the
20 offender, if the court is of the opinion that:

21 (1) the defendant is not likely to commit further
22 crimes;

23 (2) the defendant and the public would be best served
24 if the defendant were not to receive a criminal record; and

25 (3) in the best interests of justice, an order of
26 supervision is more appropriate than a sentence otherwise

1 permitted under this Code.

2 (e) SUPERVISION; PERIOD. When a defendant is placed on
3 supervision, the court shall enter an order for supervision
4 specifying the period of supervision, and shall defer further
5 proceedings in the case until the conclusion of the period. The
6 period of supervision shall be reasonable under all of the
7 circumstances of the case, and except as otherwise provided,
8 may not be longer than 2 years. The court shall specify the
9 conditions of supervision as set forth in Section 5-6-3.1 (730
10 ILCS 5/5-6-3.1).

11 (Source: P.A. 100-987, eff. 7-1-19.)

12 (730 ILCS 5/5-4.5-80)

13 (Text of Section before amendment by P.A. 100-987)

14 Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as
15 otherwise provided, for a business offense:

16 (a) FINE. A defendant may be sentenced to pay a fine not to
17 exceed for each offense the amount specified in the statute
18 defining that offense. A fine may be imposed in addition to a
19 sentence of conditional discharge. See Article 9 of Chapter V
20 (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts
21 and determination of amounts and payment.

22 (b) CONDITIONAL DISCHARGE. A defendant may be sentenced to
23 a period of conditional discharge. The court shall specify the
24 conditions of conditional discharge as set forth in Section
25 5-6-3 (730 ILCS 5/5-6-3).

1 (c) RESTITUTION. A defendant may be sentenced to make
2 restitution to the victim under Section 5-5-6 (730 ILCS
3 5/5-5-6).

4 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
5 a stipulation by the defendant of the facts supporting the
6 charge or a finding of guilt, may defer further proceedings and
7 the imposition of a sentence and may enter an order for
8 supervision of the defendant. If the defendant is not barred
9 from receiving an order for supervision under Section 5-6-1
10 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
11 for supervision after considering the circumstances of the
12 offense, and the history, character, and condition of the
13 offender, if the court is of the opinion that:

14 (1) the defendant is not likely to commit further
15 crimes;

16 (2) the defendant and the public would be best served
17 if the defendant were not to receive a criminal record; and

18 (3) in the best interests of justice, an order of
19 supervision is more appropriate than a sentence otherwise
20 permitted under this Code.

21 (e) SUPERVISION; PERIOD. When a defendant is placed on
22 supervision, the court shall enter an order for supervision
23 specifying the period of supervision, and shall defer further
24 proceedings in the case until the conclusion of the period. The
25 period of supervision shall be reasonable under all of the
26 circumstances of the case, and except as otherwise provided,

1 may not be longer than 2 years. The court shall specify the
2 conditions of supervision as set forth in Section 5-6-3.1 (730
3 ILCS 5/5-6-3.1).

4 (Source: P.A. 95-1052, eff. 7-1-09.)

5 (Text of Section after amendment by P.A. 100-987)

6 Sec. 5-4.5-80. BUSINESS OFFENSES; SENTENCE. Except as
7 otherwise provided, for a business offense:

8 (a) FINE. Unless otherwise specified by law, the minimum
9 fine is \$75 ~~\$25~~. A defendant may be sentenced to pay a fine not
10 to exceed for each offense the amount specified in the statute
11 defining that offense. A fine may be imposed in addition to a
12 sentence of conditional discharge. See Article 9 of Chapter V
13 (730 ILCS 5/Ch. V, Art. 9) for imposition of additional amounts
14 and determination of amounts and payment. If the court finds
15 that the fine would impose an undue burden on the victim, the
16 court may reduce or waive the fine.

17 (b) CONDITIONAL DISCHARGE. A defendant may be sentenced to
18 a period of conditional discharge. The court shall specify the
19 conditions of conditional discharge as set forth in Section
20 5-6-3 (730 ILCS 5/5-6-3).

21 (c) RESTITUTION. A defendant may be sentenced to make
22 restitution to the victim under Section 5-5-6 (730 ILCS
23 5/5-5-6).

24 (d) SUPERVISION; ORDER. The court, upon a plea of guilty or
25 a stipulation by the defendant of the facts supporting the

1 charge or a finding of guilt, may defer further proceedings and
2 the imposition of a sentence and may enter an order for
3 supervision of the defendant. If the defendant is not barred
4 from receiving an order for supervision under Section 5-6-1
5 (730 ILCS 5/5-6-1) or otherwise, the court may enter an order
6 for supervision after considering the circumstances of the
7 offense, and the history, character, and condition of the
8 offender, if the court is of the opinion that:

9 (1) the defendant is not likely to commit further
10 crimes;

11 (2) the defendant and the public would be best served
12 if the defendant were not to receive a criminal record; and

13 (3) in the best interests of justice, an order of
14 supervision is more appropriate than a sentence otherwise
15 permitted under this Code.

16 (e) SUPERVISION; PERIOD. When a defendant is placed on
17 supervision, the court shall enter an order for supervision
18 specifying the period of supervision, and shall defer further
19 proceedings in the case until the conclusion of the period. The
20 period of supervision shall be reasonable under all of the
21 circumstances of the case, and except as otherwise provided,
22 may not be longer than 2 years. The court shall specify the
23 conditions of supervision as set forth in Section 5-6-3.1 (730
24 ILCS 5/5-6-3.1).

25 (Source: P.A. 100-987, eff. 7-1-19.)

1 (730 ILCS 5/5-9-1.9)

2 (Text of Section before amendment by P.A. 100-987)

3 Sec. 5-9-1.9. DUI analysis fee.

4 (a) "Crime laboratory" means a not-for-profit laboratory
5 substantially funded by a single unit or combination of units
6 of local government or the State of Illinois that regularly
7 employs at least one person engaged in the DUI analysis of
8 blood, other bodily substance, and urine for criminal justice
9 agencies in criminal matters and provides testimony with
10 respect to such examinations.

11 "DUI analysis" means an analysis of blood, other bodily
12 substance, or urine for purposes of determining whether a
13 violation of Section 11-501 of the Illinois Vehicle Code has
14 occurred.

15 (b) When a person has been adjudged guilty of an offense in
16 violation of Section 11-501 of the Illinois Vehicle Code, in
17 addition to any other disposition, penalty, or fine imposed, a
18 crime laboratory DUI analysis fee of \$150 for each offense for
19 which the person was convicted shall be levied by the court for
20 each case in which a laboratory analysis occurred. Upon
21 verified petition of the person, the court may suspend payment
22 of all or part of the fee if it finds that the person does not
23 have the ability to pay the fee.

24 (c) In addition to any other disposition made under the
25 provisions of the Juvenile Court Act of 1987, any minor
26 adjudicated delinquent for an offense which if committed by an

1 adult would constitute a violation of Section 11-501 of the
2 Illinois Vehicle Code shall be assessed a crime laboratory DUI
3 analysis fee of \$150 for each adjudication. Upon verified
4 petition of the minor, the court may suspend payment of all or
5 part of the fee if it finds that the minor does not have the
6 ability to pay the fee. The parent, guardian, or legal
7 custodian of the minor may pay some or all of the fee on the
8 minor's behalf.

9 (d) All crime laboratory DUI analysis fees provided for by
10 this Section shall be collected by the clerk of the court and
11 forwarded to the appropriate crime laboratory DUI fund as
12 provided in subsection (f).

13 (e) Crime laboratory funds shall be established as follows:

14 (1) A unit of local government that maintains a crime
15 laboratory may establish a crime laboratory DUI fund within
16 the office of the county or municipal treasurer.

17 (2) Any combination of units of local government that
18 maintains a crime laboratory may establish a crime
19 laboratory DUI fund within the office of the treasurer of
20 the county where the crime laboratory is situated.

21 (3) The State Police DUI Fund is created as a special
22 fund in the State Treasury.

23 (f) The analysis fee provided for in subsections (b) and
24 (c) of this Section shall be forwarded to the office of the
25 treasurer of the unit of local government that performed the
26 analysis if that unit of local government has established a

1 crime laboratory DUI fund, or to the State Treasurer for
2 deposit into the State Police DUI Fund if the analysis was
3 performed by a laboratory operated by the Department of State
4 Police. If the analysis was performed by a crime laboratory
5 funded by a combination of units of local government, the
6 analysis fee shall be forwarded to the treasurer of the county
7 where the crime laboratory is situated if a crime laboratory
8 DUI fund has been established in that county. If the unit of
9 local government or combination of units of local government
10 has not established a crime laboratory DUI fund, then the
11 analysis fee shall be forwarded to the State Treasurer for
12 deposit into the State Police DUI Fund. The clerk of the
13 circuit court may retain the amount of \$10 from each collected
14 analysis fee to offset administrative costs incurred in
15 carrying out the clerk's responsibilities under this Section.

16 (g) Fees deposited into a crime laboratory DUI fund created
17 under paragraphs (1) and (2) of subsection (e) of this Section
18 shall be in addition to any allocations made pursuant to
19 existing law and shall be designated for the exclusive use of
20 the crime laboratory. These uses may include, but are not
21 limited to, the following:

22 (1) Costs incurred in providing analysis for DUI
23 investigations conducted within this State.

24 (2) Purchase and maintenance of equipment for use in
25 performing analyses.

26 (3) Continuing education, training, and professional

1 development of forensic scientists regularly employed by
2 these laboratories.

3 (h) Fees deposited in the State Police DUI Fund created
4 under paragraph (3) of subsection (e) of this Section shall be
5 used by State crime laboratories as designated by the Director
6 of State Police. These funds shall be in addition to any
7 allocations made according to existing law and shall be
8 designated for the exclusive use of State crime laboratories.
9 These uses may include those enumerated in subsection (g) of
10 this Section.

11 (Source: P.A. 99-697, eff. 7-29-16.)

12 (Text of Section after amendment by P.A. 100-987)

13 Sec. 5-9-1.9. DUI analysis fee.

14 (a) "Crime laboratory" means a not-for-profit laboratory
15 substantially funded by a single unit or combination of units
16 of local government or the State of Illinois that regularly
17 employs at least one person engaged in the DUI analysis of
18 blood, other bodily substance, and urine for criminal justice
19 agencies in criminal matters and provides testimony with
20 respect to such examinations.

21 "DUI analysis" means an analysis of blood, other bodily
22 substance, or urine for purposes of determining whether a
23 violation of Section 11-501 of the Illinois Vehicle Code has
24 occurred.

25 (b) (Blank).

1 (c) In addition to any other disposition made under the
2 provisions of the Juvenile Court Act of 1987, any minor
3 adjudicated delinquent for an offense which if committed by an
4 adult would constitute a violation of Section 11-501 of the
5 Illinois Vehicle Code shall pay a crime laboratory DUI analysis
6 assessment of \$150 for each adjudication. Upon verified
7 petition of the minor, the court may suspend payment of all or
8 part of the assessment if it finds that the minor does not have
9 the ability to pay the assessment. The parent, guardian, or
10 legal custodian of the minor may pay some or all of the
11 assessment on the minor's behalf.

12 (d) All crime laboratory DUI analysis assessments provided
13 for by this Section shall be collected by the clerk of the
14 court and forwarded to the appropriate crime laboratory DUI
15 fund as provided in subsection (f).

16 (e) Crime laboratory funds shall be established as follows:

17 (1) A unit of local government that maintains a crime
18 laboratory may establish a crime laboratory DUI fund within
19 the office of the county or municipal treasurer.

20 (2) Any combination of units of local government that
21 maintains a crime laboratory may establish a crime
22 laboratory DUI fund within the office of the treasurer of
23 the county where the crime laboratory is situated.

24 (3) The State Police DUI Fund is created as a special
25 fund in the State Treasury.

26 (f) The analysis assessment provided for in subsection (c)

1 of this Section shall be forwarded to the office of the
2 treasurer of the unit of local government that performed the
3 analysis if that unit of local government has established a
4 crime laboratory DUI fund, or to the State Treasurer for
5 deposit into the State Crime Laboratory ~~Police Operations~~
6 ~~Assistance~~ Fund if the analysis was performed by a laboratory
7 operated by the Department of State Police. If the analysis was
8 performed by a crime laboratory funded by a combination of
9 units of local government, the analysis assessment shall be
10 forwarded to the treasurer of the county where the crime
11 laboratory is situated if a crime laboratory DUI fund has been
12 established in that county. If the unit of local government or
13 combination of units of local government has not established a
14 crime laboratory DUI fund, then the analysis assessment shall
15 be forwarded to the State Treasurer for deposit into the State
16 Crime Laboratory ~~Police Operations Assistance~~ Fund.

17 (g) Moneys deposited into a crime laboratory DUI fund
18 created under paragraphs (1) and (2) of subsection (e) of this
19 Section shall be in addition to any allocations made pursuant
20 to existing law and shall be designated for the exclusive use
21 of the crime laboratory. These uses may include, but are not
22 limited to, the following:

23 (1) Costs incurred in providing analysis for DUI
24 investigations conducted within this State.

25 (2) Purchase and maintenance of equipment for use in
26 performing analyses.

1 (3) Continuing education, training, and professional
2 development of forensic scientists regularly employed by
3 these laboratories.

4 (h) Moneys deposited in the State Crime Laboratory ~~Police~~
5 ~~Operations Assistance~~ Fund shall be used by State crime
6 laboratories as designated by the Director of State Police.
7 These funds shall be in addition to any allocations made
8 according to existing law and shall be designated for the
9 exclusive use of State crime laboratories. These uses may
10 include those enumerated in subsection (g) of this Section.
11 (Source: P.A. 99-697, eff. 7-29-16; 100-987, eff. 7-1-19.)

12 Section 25. The Code of Civil Procedure is amended by
13 changing Section 5-105 as follows:

14 (735 ILCS 5/5-105) (from Ch. 110, par. 5-105)

15 Sec. 5-105. Waiver of court fees, costs, and charges.

16 (a) As used in this Section:

17 (1) "Fees, costs, and charges" means payments imposed
18 on a party in connection with the prosecution or defense of
19 a civil action, including, but not limited to: fees set
20 forth in Section 27.1b of the Clerks of Courts Act; fees
21 for service of process and other papers served either
22 within or outside this State, including service by
23 publication pursuant to Section 2-206 of this Code and
24 publication of necessary legal notices; motion fees;

1 charges for participation in, or attendance at, any
2 mandatory process or procedure including, but not limited
3 to, conciliation, mediation, arbitration, counseling,
4 evaluation, "Children First", "Focus on Children" or
5 similar programs; fees for supplementary proceedings;
6 charges for translation services; guardian ad litem fees;
7 and all other processes and procedures deemed by the court
8 to be necessary to commence, prosecute, defend, or enforce
9 relief in a civil action.

10 (2) "Indigent person" means any person who meets one or
11 more of the following criteria:

12 (i) He or she is receiving assistance under one or
13 more of the following means-based ~~means-based~~
14 governmental public benefits programs: Supplemental
15 Security Income (SSI), Aid to the Aged, Blind and
16 Disabled (AABD), Temporary Assistance for Needy
17 Families (TANF), Supplemental Nutrition Assistance
18 Program (SNAP), General Assistance, Transitional
19 Assistance, or State Children and Family Assistance.

20 (ii) His or her available personal income is 125%
21 ~~200%~~ or less of the current poverty level, unless the
22 applicant's assets that are not exempt under Part 9 or
23 10 of Article XII of this Code are of a nature and
24 value that the court determines that the applicant is
25 able to pay the fees, costs, and charges.

26 (iii) He or she is, in the discretion of the court,

1 unable to proceed in an action without payment of fees,
2 costs, and charges and whose payment of those fees,
3 costs, and charges would result in substantial
4 hardship to the person or his or her family.

5 (iv) He or she is an indigent person pursuant to
6 Section 5-105.5 of this Code.

7 (3) "Poverty level" means the current poverty level as
8 established by the United States Department of Health and
9 Human Services.

10 (b) On the application of any person, before or after the
11 commencement of an action:

12 (1) If the court finds that the applicant is an
13 indigent person, the court shall grant the applicant a full
14 fees, costs, and charges waiver entitling him or her to sue
15 or defend the action without payment of any of the fees,
16 costs, and charges.

17 (2) If the court finds that the applicant satisfies any
18 of the criteria contained in items (i), (ii), or (iii) of
19 this subdivision (b)(2), the court shall grant the
20 applicant a partial fees, costs, and charges waiver
21 entitling him or her to sue or defend the action upon
22 payment of the applicable percentage of the assessments,
23 costs, and charges of the action, as follows:

24 (i) the court shall waive 75% of all fees, costs,
25 and charges if the available income of the applicant is
26 greater than 125% ~~200%~~ but does not exceed 150% ~~250%~~ of

1 the poverty level, unless the assets of the applicant
2 that are not exempt under Part 9 or 10 of Article XII
3 of this Code are such that the applicant is able,
4 without undue hardship, to pay a greater portion of the
5 fees, costs, and charges;

6 (ii) the court shall waive 50% of all fees, costs,
7 and charges if the available income is greater than
8 150% ~~250%~~ but does not exceed 175% ~~300%~~ of the poverty
9 level, unless the assets of the applicant that are not
10 exempt under Part 9 or 10 of Article XII of this Code
11 are such that the applicant is able, without undue
12 hardship, to pay a greater portion of the fees, costs,
13 and charges; and

14 (iii) the court shall waive 25% of all fees, costs,
15 and charges if the available income of the applicant is
16 greater than 175% ~~300%~~ but does not exceed 200% ~~400%~~ of
17 the current poverty level, unless the assets of the
18 applicant that are not exempt under Part 9 or 10 of
19 Article XII of this Code are such that the applicant is
20 able, without undue hardship, to pay a greater portion
21 of the fees, costs, and charges.

22 (c) An application for waiver of court fees, costs, and
23 charges shall be in writing and signed by the applicant, or, if
24 the applicant is a minor or an incompetent adult, by another
25 person having knowledge of the facts. The contents of the
26 application for waiver of court fees, costs, and charges, and

1 the procedure for the decision of the applications, shall be
2 established by Supreme Court Rule. Factors to consider in
3 evaluating an application shall include:

4 (1) the applicant's receipt of needs based
5 governmental public benefits, including Supplemental
6 Security Income (SSI); Aid to the Aged, Blind and Disabled
7 (ADBID); Temporary Assistance for Needy Families (TANF);
8 Supplemental Nutrition Assistance Program (SNAP or "food
9 stamps"); General Assistance; Transitional Assistance; or
10 State Children and Family Assistance;

11 (2) the employment status of the applicant and amount
12 of monthly income, if any;

13 (3) income received from the applicant's pension,
14 Social Security benefits, unemployment benefits, and other
15 sources;

16 (4) income received by the applicant from other
17 household members;

18 (5) the applicant's monthly expenses, including rent,
19 home mortgage, other mortgage, utilities, food, medical,
20 vehicle, childcare, debts, child support, and other
21 expenses; and

22 (6) financial affidavits or other similar supporting
23 documentation provided by the applicant showing that
24 payment of the imposed fees, costs, and charges would
25 result in substantial hardship to the applicant or the
26 applicant's family.

1 (c-5) The court shall provide, through the office of the
2 clerk of the court, the application for waiver of court fees,
3 costs, and charges to any person seeking to sue or defend an
4 action who indicates an inability to pay the fees, costs, and
5 charges of the action. The clerk of the court shall post in a
6 conspicuous place in the courthouse a notice no smaller than
7 8.5 x 11 inches, using no smaller than 30-point typeface
8 printed in English and in Spanish, advising the public that
9 they may ask the court for permission to sue or defend a civil
10 action without payment of fees, costs, and charges. The notice
11 shall be substantially as follows:

12 "If you are unable to pay the fees, costs, and charges
13 of an action you may ask the court to allow you to proceed
14 without paying them. Ask the clerk of the court for forms."

15 (d) (Blank).

16 (e) The clerk of the court shall not refuse to accept and
17 file any complaint, appearance, or other paper presented by the
18 applicant if accompanied by an application for waiver of court
19 fees, costs, and charges, and those papers shall be considered
20 filed on the date the application is presented. If the
21 application is denied or a partial fees, costs, and charges
22 waiver is granted, the order shall state a date certain by
23 which the necessary fees, costs, and charges must be paid. For
24 good cause shown, the court may allow an applicant who receives
25 a partial fees, costs, and charges waiver to defer payment of
26 fees, costs, and charges, make installment payments, or make

1 payment upon reasonable terms and conditions stated in the
2 order. The court may dismiss the claims or strike the defenses
3 of any party failing to pay the fees, costs, and charges within
4 the time and in the manner ordered by the court. A judicial
5 ruling on an application for waiver of court assessments does
6 not constitute a decision of a substantial issue in the case
7 under Section 2-1001 of this Code.

8 (f) The order granting a full or partial fees, costs, and
9 charges waiver shall expire after one year. Upon expiration of
10 the waiver, or a reasonable period of time before expiration,
11 the party whose fees, costs, and charges were waived may file
12 another application for waiver and the court shall consider the
13 application in accordance with the applicable Supreme Court
14 Rule.

15 (f-5) If, before or at the time of final disposition of the
16 case, the court obtains information, including information
17 from the court file, suggesting that a person whose fees,
18 costs, and charges were initially waived was not entitled to a
19 full or partial waiver at the time of application, the court
20 may require the person to appear at a court hearing by giving
21 the applicant no less than 10 days' written notice of the
22 hearing and the specific reasons why the initial waiver might
23 be reconsidered. The court may require the applicant to provide
24 reasonably available evidence, including financial
25 information, to support his or her eligibility for the waiver,
26 but the court shall not require submission of information that

1 is unrelated to the criteria for eligibility and application
2 requirements set forth in subdivision ~~subdivisions~~ (b) (1) or
3 (b) (2) of this Section. If the court finds that the person was
4 not initially entitled to any waiver, the person shall pay all
5 fees, costs, and charges relating to the civil action,
6 including any previously waived ~~previously waived~~ fees, costs,
7 and charges. The order may state terms of payment in accordance
8 with subsection (e). The court shall not conduct a hearing
9 under this subsection more often than once every 6 months.

10 (f-10) If, before or at the time of final disposition of
11 the case, the court obtains information, including information
12 from the court file, suggesting that a person who received a
13 full or partial waiver has experienced a change in financial
14 condition so that he or she is no longer eligible for that
15 waiver, the court may require the person to appear at a court
16 hearing by giving the applicant no less than 10 days' written
17 notice of the hearing and the specific reasons why the waiver
18 might be reconsidered. The court may require the person to
19 provide reasonably available evidence, including financial
20 information, to support his or her continued eligibility for
21 the waiver, but shall not require submission of information
22 that is unrelated to the criteria for eligibility and
23 application requirements set forth in subdivisions ~~subsections~~
24 (b) (1) and (b) (2) of this Section. If the court enters an order
25 finding that the person is no longer entitled to a waiver, or
26 is entitled to a partial waiver different than that which the

1 person had previously received, the person shall pay the
2 requisite fees, costs, and charges from the date of the order
3 going forward. The order may state terms of payment in
4 accordance with subsection (e) of this Section. The court shall
5 not conduct a hearing under this subsection more often than
6 once every 6 months.

7 (g) A court, in its discretion, may appoint counsel to
8 represent an indigent person, and that counsel shall perform
9 his or her duties without fees, charges, or reward.

10 (h) Nothing in this Section shall be construed to affect
11 the right of a party to sue or defend an action in forma
12 pauperis without the payment of fees, costs, charges, or the
13 right of a party to court-appointed counsel, as authorized by
14 any other provision of law or by the rules of the Illinois
15 Supreme Court. Nothing in this Section shall be construed to
16 limit the authority of a court to order another party to the
17 action to pay the fees, costs, and charges of the action.

18 (h-5) If a party is represented by a civil legal services
19 provider or an attorney in a court-sponsored pro bono program
20 as defined in Section 5-105.5 of this Code, the attorney
21 representing that party shall file a certification with the
22 court in accordance with Supreme Court Rule 298 and that party
23 shall be allowed to sue or defend without payment of fees,
24 costs, and charges without filing an application under this
25 Section.

26 (h-10) If an attorney files an appearance on behalf of a

1 person whose fees, costs, and charges were initially waived
2 under this Section, the attorney must pay all fees, costs, and
3 charges relating to the civil action, including any previously
4 waived fees, costs, and charges, unless the attorney is either
5 a civil legal services provider, representing his or her client
6 as part of a court-sponsored pro bono program as defined in
7 Section 5-105.1 of this Code, or appearing under a limited
8 scope appearance in accordance with Supreme Court Rule
9 13(c)(6).

10 (i) The provisions of this Section are severable under
11 Section 1.31 of the Statute on Statutes.

12 (Source: P.A. 100-987, eff. 7-1-19; revised 10-3-18.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

20 Section 99. Effective date. This Act takes effect July 1,
21 2019."